



Federal Register

Monday,
May 13, 2002

Part XI

Department of
Justice

Semiannual Regulatory Agenda

DEPARTMENT OF JUSTICE (DOJ)

DEPARTMENT OF JUSTICE

8 CFR Ch. I

21 CFR Ch. II

28 CFR Ch. I

Regulatory Agenda

AGENCY: Department of Justice.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Department of Justice is publishing its spring 2002 regulatory agenda pursuant to E.O. 12866 “Regulatory Planning and Review,” 58 FR 51735, and the Regulatory Flexibility Act, 5 U.S.C. sections 601-612 (1988).

FOR FURTHER INFORMATION CONTACT:

Robert Hinchman, Senior Counsel, Office of Policy Development, Department of Justice, Room 4258, 950 Pennsylvania Avenue NW., Washington, DC 20530, (202) 514-8059.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) requires that, each year, the Department publish a list of those regulations that have a significant economic impact upon a substantial number of small entities and are to be reviewed under section 610 of the Act during the succeeding 12 months. This edition of the Department’s Unified Agenda includes three regulations requiring such a review: “Reduction of the Number of Acceptable Documents and

Other Changes to Employment Verification Requirements” (RIN 1115-AB73), “Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities” (RIN 1190-AA44), and “Nondiscrimination on the Basis of Disability in State and Local Government Services” (RIN 1190-AA46). In accordance with the RFA, comments are specifically invited on these regulations. Those comments should be addressed to the contact person listed in the entries for these items.

Dated: April 4, 2002.

Viet D. Dinh,

Assistant Attorney General, Office of Legal Policy.

Bureau of Prisons—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1323	Release of Information	1120-AA96
1324	Infectious Disease Management	1120-AB03
1325	Drug Abuse Treatment Program: Subpart Revision and Clarification	1120-AB07

Bureau of Prisons—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1326	Volunteer Community Service Projects	1120-AA03
1327	Intensive Confinement Centers	1120-AA11
1328	Incoming Publications	1120-AA15
1329	Infectious Diseases	1120-AA23
1330	Postsecondary Education Programs	1120-AA25
1331	Literacy Program	1120-AA33
1332	Telephone Regulations and Inmate Financial Responsibility	1120-AA39
1333	Telephone Regulations and Inmate Financial Responsibility	1120-AA49
1334	Incoming Publications: Nudity and Sexually Explicit Material or Information	1120-AA59
1335	Good Conduct Time	1120-AA62
1336	Administrative Remedy Program: Excluded Matters	1120-AA72
1337	Visiting Regulations: Prior Relationship	1120-AA77
1338	Over-the-Counter (OTC) Medications	1120-AA81
1339	Designation of Offenses Subject to Sex Offender Release Notification	1120-AA85
1340	Inmate Commissary Account Deposit Procedures	1120-AA86
1341	Drug Abuse Treatment Programs: Disincentives and Enhanced Incentives	1120-AA88
1342	Searches of Housing Units, Inmates, Inmate Work Areas, and Persons Other Than Inmates: Electronic Devices	1120-AA90
1343	Occupational Educational Programs	1120-AA92
1344	Drug Testing Program	1120-AA95
1345	Correspondence: Inspection of Outgoing General Correspondence	1120-AA98
1346	Release Gratuities, Transportation, and Clothing: Aliens	1120-AA99
1347	Religious Beliefs and Practices: Nomenclature Change	1120-AB04
1348	District of Columbia Educational Good Time Credit	1120-AB05
1349	Suicide Prevention Program	1120-AB06

DOJ

Bureau of Prisons—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
1120-AA79	Smoking/No Smoking Areas	02/24/2002	Withdrawn
1120-AA83	Administrative Safeguards for Psychiatric Treatment and Medication; Military Prisoners and District of Columbia Code Violators	03/05/2002	Withdrawn
1120-AB02	Literacy Program: GED Requirements	03/28/2002	Withdrawn

Civil Rights Division—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1350	Nondiscrimination on the Basis of Disability in Public Accommodations and Commercial Facilities (Section 610 Review)	1190-AA44
1351	Nondiscrimination on the Basis of Disability in State and Local Government Services (Section 610 Review)	1190-AA46
1352	Nondiscrimination on the Basis of Disability in State and Local Government Services; Public Accommodations and Commercial Facilities; Accessibility Standards; Recreation Facilities	1190-AA47
1353	American Competitiveness and Workforce Improvement Act of 1998 Complaint Process	1190-AA48
1354	Nondiscrimination on the Basis of Disability in State or Local Government Facilities; Public Accommodations and Commercial Facilities; Accessibility Standards; Play Areas	1190-AA50
1355	Amendments to Procedures Advising States and Political Subdivisions Specially Covered Under the Voting Rights Act How To Seek Preclearance From the Attorney General of Proposed Voting Changes	1190-AA51
1356	Amendments to Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964	1190-AA52
1357	Procedures To Review Police Departments for a Pattern or Practice of Conduct That Deprives Persons of Rights, Privileges, or Immunities Secured or Protected by the Constitution or Laws of the U.S.	1190-AA53

Civil Rights Division—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1358	Nondiscrimination on the Basis of Race, Color, National Origin, Handicap, and Age in Programs and Activities Receiving Federal Financial Assistance	1190-AA49

Civil Rights Division—Completed Actions

Sequence Number	Title	Regulation Identification Number
1359	Nondiscrimination on the Basis of Disability in State and Local Government Services	1190-AA36

Drug Enforcement Administration—Prerule Stage

Sequence Number	Title	Regulation Identification Number
1360	Chemical Mixtures Containing Gamma-Butyrolactone	1117-AA64
1361	Chemical Mixtures Containing Listed Forms of Phosphorus	1117-AA66

Drug Enforcement Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1362	Guidelines for Providing Controlled Substances to Ocean Vessels	1117-AA40

DOJ

Drug Enforcement Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1363	Sale by Federal Departments or Agencies of Chemicals Usable To Manufacture a Controlled Substance	1117-AA47
1364	Exemption From Import/Export Requirements for Personal Medical Use	1117-AA56
1365	Electronic Orders for Schedule I and II Controlled Substances	1117-AA60
1366	Electronic Prescriptions for Controlled Substances	1117-AA61
1367	Security Requirements for Handlers of Pseudoephedrine, Ephedrine, and Phenylpropanolamine	1117-AA62
1368	Reorganization and Clarification of DEA Regulations	1117-AA63
1369	Chemical Registration Waivers; Exemption From Chemical Registration Fees for Certain Persons	1117-AA67

Drug Enforcement Administration—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1370	Definition and Registration of Reverse Distributors	1117-AA19
1371	Exemption of Chemical Mixtures	1117-AA31
1372	Registration and Reregistration Application Fees	1117-AA34
1373	Chemical Registration and Reregistration Fees	1117-AA50
1374	Placement of Gamma-Butyrolactone in List I of the Controlled Substances Act (21 U.S.C. 802)	1117-AA52
1375	Industrial Use of Products and Materials Derived From Cannabis Plants	1117-AA55
1376	Control of Red Phosphorus, White Phosphorus, and Hypophosphorous Acid (and Its Salts) as List I Chemicals	1117-AA57
1377	Allowing Central Fill Pharmacies To Fill Prescriptions for Controlled Substances on Behalf of Retail Pharmacies	1117-AA58
1378	Change of Address for Filing Chemical Import/Export Declarations (DEA Form 486), Reports for the Importation or Exportation of Tableting and Encapsulating Machines, and Other Related Reports	1117-AA65

Drug Enforcement Administration—Completed Actions

Sequence Number	Title	Regulation Identification Number
1379	Implementation of the Methamphetamine Control Act; Regulation of Pseudoephedrine, Phenylpropanolamine, and Combination Ephedrine Drug Products; Reports of Certain Transactions to Nonregulated Persons	1117-AA44

Executive Office for Immigration Review—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1380	Suspension of Deportation and Cancellation of Removal for Certain Battered Spouses and Children; Motions To Reopen for Certain Battered Spouses and Children	1125-AA35

Executive Office for Immigration Review—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1381	Suspension of Deportation and Cancellation of Removal	1125-AA25
1382	Authorities Delegated to the Director of the Executive Office for Immigration Review	1125-AA27
1383	Motions To Reopen for Suspension of Deportation and Special Rule Cancellation of Removal Pursuant to Section 1505(c) of the LIFE Act Amendments	1125-AA31
1384	Section 212(c) Relief for Aliens With Certain Criminal Convictions Before April 1, 1997	1125-AA33
1385	Board of Immigration Appeals; Procedural Reforms To Improve Case Management	1125-AA36

DOJ

Executive Office for Immigration Review—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1386	Authority of Immigration Judges To Issue Civil Money Penalties	1125-AA18

Federal Bureau of Investigation—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1387	Implementation of the National Stolen Passenger Motor Vehicle Information System (NSPMVIS)	1110-AA01
1388	Claims of Exemptions From Provisions of the Privacy Act as to FBI Records	1110-AA08
1389	Federal Bureau of Investigation Criminal Justice Information Service Division Systems and Procedures	1110-AA09

Federal Bureau of Investigation—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1390	Implementation of Sections 104 and 109 of the Communications Assistance for Law Enforcement Act	1110-AA00
1391	Regulations Under the Pam Lychner Sexual Offender Tracking and Identification Act	1110-AA04
1392	National Instant Criminal Background Check System	1110-AA07

Immigration and Naturalization Service—Prerule Stage

Sequence Number	Title	Regulation Identification Number
1393	Restricting Citizens of Bangladesh, India, Pakistan, and Sri Lanka From Participation in the International-to-International (ITI) Program	1115-AG30

Immigration and Naturalization Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1394	Revised Grounds of Inadmissibility, Exceptions, and Waivers for Immigrants and Nonimmigrants, and Exceptions ..	1115-AB45
1395	Fees for Participation in Dedicated Commuter Lanes at Selected Ports of Entry; Collection of Fees Under the Dedicated Commuter Lane Program	1115-AD82
1396	Inspection of Persons Applying for Admission; International-to-International User Fee	1115-AE37
1397	Filing Factual Statements About Alien Prostitutes	1115-AE60
1398	Employment Verification by Employers That Are Members of a Multi-Employer Association	1115-AE67
1399	Use of Parole for Humanitarian Reasons or Significant Public Benefit and Report to Congress	1115-AE68
1400	Certification of Certain Health Care Workers	1115-AE73
1401	Requiring Aliens Ordered Removed From the United States to Surrender to the Immigration and Naturalization Service for Removal	1115-AE82
1402	Special Immigrant Juvenile Petitions	1115-AF11
1403	Immigrant Petitions; Religious Workers	1115-AF12
1404	Documentary Requirements for Returning Residents	1115-AF26
1405	Dismissal of Asylum Application for Unexcused Failure To Appear and Effect on Eligibility for Employment Authorization	1115-AF38
1406	Special Immigrant Status for Certain NATO Civilian Employees	1115-AF44
1407	Contracts With Transportation Lines	1115-AF46
1408	Adjustment of Status Under the 1966 Cuban Adjustment Act	1115-AF48
1409	Adjustment of Fees for Services at Land Border Ports of Entry	1115-AF55
1410	Inadmissibility To Enter the United States for Former U.S. Citizens Who Renounced Citizenship To Avoid Taxation	1115-AF69
1411	Imposition of Fines for Violations of the Immigration and Nationality Act	1115-AF70
1412	Establishment of Fee for Processing Genealogical Research Requests for INS Records	1115-AF88

DOJ

Immigration and Naturalization Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1413	Intercountry Adoptions	1115-AF96
1414	Academic Honorarium for B Nonimmigrant Aliens	1115-AF97
1415	Time Limit for Appeal From Denial of Relative Visa Petition	1115-AF99
1416	Adoption of Siblings, Adopted Alien Children Less Than 18 Years of Age Considered a "Child"	1115-AG04
1417	Adjustment to Lawful Resident Status of Certain Class Action Participants Who Entered Before January 1, 1982, Under the Legal Immigration and Family Equity Act (LIFE Act)	1115-AG06
1418	Procedures for Checking Juvenile Criminal Records and Submitting Fingerprints of That Additional Class of Aliens Ineligible for Family Unity	1115-AG07
1419	Adjustment of Status Under Section 245(k)	1115-AG10
1420	American Competitiveness in the 21st Century Act of 2000 and Other Related Bills, American Competitiveness and Workforce Improvement Act (ACWIA)	1115-AG11
1421	Construction Work and the B Nonimmigrant Visa Classification	1115-AG15
1422	Adjustment of Fees for Dedicated Commuter Lanes and Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Programs at Land Border Ports of Entry	1115-AG18
1423	Removal and Adjustment Procedures for Victims of Trafficking and Certain Criminal Activities	1115-AG21
1424	Definitions of Notice To Appear and Arrest Warrant	1115-AG24
1425	Visa Waiver Program: Guam Visa Waiver Program	1115-AG25
1426	Procedures for Detainee Hunger Strikes	1115-AG26
1427	Consent To Reapply for Admission After Removal	1115-AG28
1428	Waivers of the 2-Year Foreign Residence Requirement for Certain Exchange Visitors	1115-AG31
1429	Extension of the Validity Period for Employment Authorization Documents for Aliens Seeking Adjustment of Status	1115-AG32
1430	Illegal Entries, Unlawful Presence, and Automatic Voiding of Nonimmigrant Visas	1115-AG36
1431	Medical Examination Requirements and Designation of Civil Surgeons	1115-AG37
1432	Medical Grounds of Inadmissibility and Waivers	1115-AG38
1433	New Classification for Victims of Certain Criminal Activity; Eligibility for the U Nonimmigrant Status	1115-AG39
1434	Limiting the Period of Admission for B Nonimmigrant Aliens	1115-AG43
1435	Establishment of a \$3 Immigration User Fee for Certain Commercial Vessel Passengers Previously Exempt	1115-AG47
1436	Judicial Review of the Decisions of the Immigration and Naturalization Service	1115-AG49
1437	Revision of the Regulations Concerning F, J, and M Nonimmigrant Classifications	1115-AG55
1438	Limiting the Number of Transit Without Visa (TWOV) Stops in the United States to One	1115-AG59
1439	Address Notification To Be Filed With Designated Applications	1115-AG61

Immigration and Naturalization Service—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1440	Reduction of the Number of Acceptable Documents and Other Changes to Employment Verification Requirements (Section 610 Review)	1115-AB73
1441	Adjustment of Status to That of Person Admitted for Permanent Residence: Conditional Residents and Fiance(e)s	1115-AC70
1442	Nonimmigrant Classes; S Classification; Law Enforcement Initiatives; Alien Witnesses	1115-AD86
1443	Establishing Criteria for Determining Countries Whose Citizens Are Ineligible for the Transit Without Visa (TWOV) Program	1115-AD96
1444	Petition To Classify Alien as Immediate Relative of a U.S. Citizen or as a Preference Immigrant; Self-Petitioning for Certain Battered or Abused Alien Spouses and Children	1115-AE04
1445	Conditions on Nonimmigrant Status; Disclosure of Information	1115-AE17
1446	Employer Sanctions Modifications	1115-AE21
1447	Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings	1115-AE47
1448	Agreement Promising Non-Deportation or Other Immigration Benefits	1115-AE50
1449	Definition of the Term "Lawfully Present" for Purposes of Eligibility for Public Benefits	1115-AE51
1450	Affidavit of Support on Behalf of Immigrants	1115-AE58
1451	Suspension of Privilege To Transport Aliens to the United States	1115-AE59
1452	Limiting Liability for Certain Technical and Procedural Violations of Paperwork Requirements	1115-AE70
1453	Implementation of Hernandez v. Reno Settlement Agreement; Certain Aliens Eligible for Family Unity Benefits After Sponsoring Family Member's Naturalization	1115-AE72
1454	Regulations Pertaining to Battered Aliens and to Mail Order Bride Businesses, as Mandated by IIRIRA	1115-AE77
1455	Establishment of Preinspected Automated Lane (PAL) Program at Immigration and Naturalization Service	1115-AE80
1456	Early Release for Removal of Criminal Aliens in State Custody for Nonviolent Offenses	1115-AE83

DOJ

Immigration and Naturalization Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1457	Amendment of the Regulatory Definition of Arriving Alien	1115-AE87
1458	Adjustment of Status, Continued Validity of Nonimmigrant Status and Unexpired Employment Authorization for Applicants Maintaining Nonimmigrant H or L Status	1115-AE96
1459	Verification of Eligibility for Public Benefits	1115-AE99
1460	Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Service	1115-AF03
1461	Processing, Detention, and Release of Juveniles	1115-AF05
1462	Suspension of Deportation and Special Rule Cancellation of Removal for Certain Nationals of Guatemala, El Salvador, and Former Soviet Bloc Countries	1115-AF14
1463	Powers of the Attorney General To Authorize State or Local Law Enforcement Officers To Carry Out Immigration Enforcement	1115-AF20
1464	Elimination of Immigration and Naturalization Service-Issued Mexican and Canadian Border Crossing Cards	1115-AF24
1465	Filing of Proposals for Designation as a Regional Center Approved To Participate in the Immigrant Investor Pilot Program	1115-AF27
1466	Nonimmigrant Visa Exemption for Nationals of the British Virgin Islands Entering the United States Through St. Thomas, United States Virgin Islands	1115-AF28
1467	Delegation of the Adjudication of Certain H-2A Petitions to the Department of Labor	1115-AF29
1468	Regulations Concerning the Convention Against Torture	1115-AF39
1469	Application for Refugee Status; Acceptable Sponsorship Agreement Guaranty of Transportation	1115-AF49
1470	Nonimmigrant Classes: Q-2 Irish Peace Process Cultural and Training Program Visitor	1115-AF51
1471	Clarification of Parole Authority	1115-AF53
1472	Battered and Abused Conditional Residents; Termination of Marriage by Conditional Residents	1115-AF59
1473	Extension of 25-Mile Limit at Select Arizona Ports-of-Entry	1115-AF60
1474	Revoking Grants of Naturalization	1115-AF63
1475	Entry Requirements for Citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau	1115-AF65
1476	Registration and Fingerprinting of Aliens in the United States: Control of Employment of Aliens	1115-AF71
1477	National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities	1115-AF75
1478	Petitioning Requirements for the H-1C Nonimmigrant Classification Under Public Law 106-95	1115-AF76
1479	Expansion of Dedicated Commuter Lanes; Clarification of Driver's License Requirement for Applicants to Dedicated Commuter Lanes and Automated Permit Port Programs	1115-AF77
1480	Waiving the Fingerprinting Requirement for Certain Disabled Naturalization Applicants	1115-AF80
1481	Update of List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	1115-AF81
1482	Implementation of the Numerical Limit on Asylum Grants and Refugee Admissions Based on Resistance to Coercive Population Control Measures	1115-AF84
1483	Adding Actuaries and Plant Pathologists to Appendix 1603.D.1 of the North American Free Trade Agreement	1115-AF85
1484	Power of Attorney General To Terminate Deportation Proceedings and Initiate Removal Proceedings	1115-AF87
1485	Employment Authorization for Certificate of Citizenship Applicants	1115-AF90
1486	Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility	1115-AF91
1487	Asylum and Withholding Definitions	1115-AF92
1488	Petition To Classify Alien as Immediate Relative of a U.S. Citizen or Preference Immigrant; Adjustment of Status to That of a Person Admitted for Permanent Residence	1115-AF94
1489	Children Born Outside the United States; Applications for Certificate of Citizenship	1115-AF98
1490	Allowing for the Filing of Form I-140 Visa Petition Concurrently With a Form I-485 Application in Certain Circumstances	1115-AG00
1491	Special Immigrant Visa for Fourth Preference Employment-Based Broadcasters	1115-AG01
1492	Establishing Premium Processing Service for Employment-Based Petitions and Applications	1115-AG03
1493	Nonimmigrant Classes; Spouses and Children of Lawful Permanent Residents; V Classification	1115-AG08
1494	K Nonimmigrant Classification, Legal Immigration Family Equity Act (LIFE)	1115-AG12
1495	Adjustment of Status for Certain Syrian Nationals Granted Asylum in the United States	1115-AG13
1496	Adjustment of Status of Certain Aliens from Vietnam, Cambodia, and Laos in the United States	1115-AG14
1497	Adding Colombia to the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	1115-AG16
1498	New Classification for Victims of Severe Forms of Trafficking in Persons Eligible for the T Nonimmigrant Status	1115-AG19
1499	Protection and Assistance for Victims of Trafficking	1115-AG20

DOJ

Immigration and Naturalization Service—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identification Number
1500	Removing Russia From the List of Countries Whose Citizens or Nationals Are Ineligible for Transit Without Visa (TWOV) Privileges to the United States Under the TWOV Program	1115-AG27
1501	Detention of Aliens Subject to Final Orders of Removal	1115-AG29
1502	Allowing Citizens and Nationals of the People's Republic of China Limited Transit Without Visa (TWOV) Privileges at TWOV-Designated Alaska International Airports	1115-AG33
1503	Custody Procedures	1115-AG40
1504	Control of Aliens Departing From the United States	1115-AG42
1505	Documentary Requirements for Certain Temporary Residents	1115-AG44
1506	Change in Business Practices; Acceptance of Payments of Fees By Credit Card and Other Electronic Means Where Possible	1115-AG48
1507	Adding and Removing Institutions To and From the List of Recognized American Institutions of Research	1115-AG52
1508	Manifest Requirements and Imposition of Fines Under Section 231 of the Act	1115-AG57
1509	Requiring Change of Status From B to F-1 or M-1 Nonimmigrant Prior To Pursuing a Course of Study	1115-AG60
1510	Reengineering of Part 214, Nonimmigrant Classes To Clarify and Restate Admission Requirements	1115-AG62

Immigration and Naturalization Service—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1511	Visa Waiver Program	1115-AB93
1512	Regulations Relating to Temporary Protected Status	1115-AE26
1513	Authorizing Suspension of Employment Authorization Requirements on the Basis of Severe Economic Hardship for F-1 Students and Emergent Circumstances	1115-AF15
1514	Availability of Material Under Freedom of Information Act and Privacy Act	1115-AF32
1515	Interim Designation of Acceptable Receipts for Employment Eligibility Verification	1115-AF42
1516	Inadmissibility and Deportability on Public Charge Grounds	1115-AF45
1517	Expansion of Expedited Removal of Certain Criminal Aliens Held in Federal, State, and Local Jails	1115-AF50
1518	Extending the Period of Duration of Status for Certain F and J Nonimmigrant Aliens	1115-AF54
1519	Authorizing Collection of Fee Levied on F, J, and M Nonimmigrant Classifications Under Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)	1115-AF56
1520	Waiver of Fees	1115-AG02
1521	Adjustment of Status for Certain Nationals of Nicaragua, Cuba, and Haiti	1115-AG05
1522	Increasing the Number of Officers Authorized To Issue Notices To Appear and Arrest Warrants for Immigration Violations	1115-AG22

Immigration and Naturalization Service—Completed Actions

Sequence Number	Title	Regulation Identification Number
1523	Adjustment of Certain Fees of the Immigration Examinations Fee Account	1115-AF61
1524	Increasing Immigration User Fee at Ports-of-Entry	1115-AG46

Immigration and Naturalization Service—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
1115-AD95	90-Day Modified Inspection of Alien Crew Members	03/01/2002	Withdrawn
1115-AE06	Employment Authorization Document Applications and Process	03/01/2002	Withdrawn
1115-AE55	Corporate Reorganizations (Mergers and Acquisitions) and E, H, L Non-immigrant Classification	03/01/2002	Withdrawn
1115-AE56	Petition for Employment Creation Aliens	03/01/2002	Withdrawn
1115-AE63	F-1 Visa Abusers and Foreign Students	03/01/2002	Withdrawn
1115-AE78	Public Charge Bond Pilot Program	03/01/2002	Withdrawn

DOJ

Immigration and Naturalization Service—Discontinued Entries (Continued)

Regulation Identification Number	Title	Date Withdrawn	Comments
1115-AE98	En Route Inspections and Reimbursement for Immigration and Naturalization Service Costs	03/01/2002	Withdrawn
1115-AF40	H-1B Nonimmigrant Worker Complaints Regarding U.S. Employer Violations Under the American Competitiveness and Workforce Improvement Act (ACWIA)	03/01/2002	Withdrawn-Merged with RIN 1115-AG11
1115-AF41	Additional Petitioning Requirements for the H-1B Nonimmigrant Classification Under Public Law 105-277	02/18/2002	Withdrawn-Merged with RIN 1115-AG11
1115-AF57	Manifest Requirements and Imposition of Fines Under Section 231 of the Act	03/02/2002	Withdrawn-Merged with 1115-AG57
1115-AG09	Authorizing Part-Time Study for F-1 Commuter Students in Contiguous Territories	03/01/2001	Withdrawn

Legal Activities—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1525	Revision of 28 CFR Part 15 Pertaining to the Defense of Certain Suits Against Federal Employees To Conform to the Federal Employees Liability Reform and Tort Compensation Act	1105-AA62
1526	Designation of Agencies To Receive and Investigate Reports Required Under the Protection of Children From Sexual Predators Act	1105-AA65
1527	Motor Vehicle Salvage Regulations	1105-AA71
1528	Claims Under the Radiation Exposure Compensation Act Amendments of 2000: Technical Amendments; Expansion of Coverage to Uranium Mill Workers and Ore Transporters	1105-AA75

Legal Activities—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1529	Foreign Agents Registration Act; Regulations Revised and Clarified To Reflect Changes in the Law	1105-AA45
1530	Ethical Standards for Attorneys for the Government	1105-AA67
1531	Enhanced Notice and Release Procedures for Owners of Seized Property Pursuant to the CAFRA of 2000; Disposition of Seized Property Too Costly To Maintain; Consolidation of Department Regulations	1105-AA74
1532	Establishment of Minimum Safety and Security Standards for Private Companies That Transport Violent Prisoners	1105-AA77
1533	Regulations Under the DNA Analysis Backlog Elimination Act of 2000	1105-AA78
1534	Screening of Aliens and Other Designated Individuals Seeking Flight Training	1105-AA80
1535	Guidelines for the Campus Sex Crimes Prevention Act Amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act	1105-AA81

Legal Activities—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1536	Waiver for Firearm Prohibition on Nonimmigrant Visa Holders	1105-AA66

Legal Activities—Completed Actions

Sequence Number	Title	Regulation Identification Number
1537	September 11th Victim Compensation Fund of 2001	1105-AA79

DOJ

Legal Activities—Discontinued Entries

Regulation Identification Number	Title	Date Withdrawn	Comments
1105-AA29	Violent Crime and Drug Emergency Areas	03/29/2002	Withdrawn - No action expected in the next 12 months.
1105-AA42	False Claims Amendments Act of 1986—Civil Investigative Demands	03/05/2002	Withdrawn - No action expected in next 12 months.

Office of Justice Programs—Proposed Rule Stage

Sequence Number	Title	Regulation Identification Number
1538	Correctional Facilities on Tribal Lands Grant Program	1121-AA41
1539	Public Safety Officers' Benefits Program	1121-AA56
1540	Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)	1121-AA57
1541	Criminal Intelligence Systems Operating Policies	1121-AA59
1542	Victims of Crime Act (VOCA) Program Regulations for the Victim Compensation Grant Program; and Victim Assistance Program	1121-AA61
1543	Violence Against Women Grant Programs	1121-AA64

Office of Justice Programs—Final Rule Stage

Sequence Number	Title	Regulation Identification Number
1544	Bulletproof Vest Partnership Grant Acts of 1998 and 2000	1121-AA48
1545	Environmental Impact Review Procedures for the VOI/TIS Grant Program	1121-AA52

Office of Justice Programs—Long-Term Actions

Sequence Number	Title	Regulation Identification Number
1546	International Terrorism Victim Compensation Program	1121-AA63

Office of Justice Programs—Completed Actions

Sequence Number	Title	Regulation Identification Number
1547	Emergency Federal Law Enforcement Assistance	1121-AA60

Department of Justice (DOJ)
Bureau of Prisons (BOP)

Proposed Rule Stage

1323. RELEASE OF INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552; 5 USC 552a; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to

5024; 18 USC 5039; 28 USC 509 to 510; 31 USC 3711(f)

CFR Citation: 28 CFR 513

Legal Deadline: None

Abstract: This document revises Bureau regulations implementing the

Freedom of Information Act and the Privacy Act in order to simplify the procedures and to eliminate unnecessary regulatory text.

DOJ—BOP

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: squreshi@bop.gov

RIN: 1120-AA96**1324. INFECTIOUS DISEASE MANAGEMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; ...**CFR Citation:** 28 CFR 549**Legal Deadline:** None

Abstract: This document is a proposed rule (split from the interim final rule, RIN 1120-AA23) on the correctional management of tuberculosis, HIV, and

hepatitis B. The changes to the regulations address the circumstances under which the Bureau conducts voluntary and involuntary testing.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: squreshi@bop.gov

RIN: 1120-AB03**1325. DRUG ABUSE TREATMENT PROGRAM: SUBPART REVISION AND CLARIFICATION****Priority:** Info./Admin./Other**Legal Authority:** 18 USC 3521 to 3528, 4042, 4046, 4081, 4082, 5006 to 5024, 5039; 28 USC 848, 509, 510; 18 USC

3621 to 3622; 18 USC 3624; 18 USC 4001; ...

CFR Citation: 28 CFR 550**Legal Deadline:** None

Abstract: In this document, the Bureau of Prisons proposes to amend its regulations on the drug abuse treatment program. We intend this amendment to streamline and clarify these regulations, eliminating unnecessary text and obsolete language, and removing internal agency procedures that need not be in rules text.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: squreshi@bop.gov

RIN: 1120-AB07**Department of Justice (DOJ)
Bureau of Prisons (BOP)****Final Rule Stage****1326. VOLUNTEER COMMUNITY SERVICE PROJECTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 1512; 18 USC 5039; 28 USC 509 to 510; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024**CFR Citation:** 28 CFR 551.60**Legal Deadline:** None

Abstract: This document finalizes provisions for Volunteer Community Service Projects. A volunteer community service project is a project designed to provide for the public good, which has been developed by local government or by a nonprofit charitable organization for approval by the Bureau.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/19/93	58 FR 5210
Final Action	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: squreshi@bop.gov

RIN: 1120-AA03**1327. INTENSIVE CONFINEMENT CENTERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4046; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510**CFR Citation:** 28 CFR 524.31 to 524.34**Legal Deadline:** None

Abstract: This document finalizes procedures for the operation of a specialized program combining features of a military boot camp with the traditional correctional values of the Bureau of Prisons. Inmates who successfully complete this program may be placed in community-based programs for longer periods of time than ordinarily permitted.

DOJ—BOP

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/26/96	61 FR 18658
Interim Final Rule Effective	05/28/96	
Interim Final Rule Comment Period End	06/25/96	
Final Action	08/00/02	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqaureshi@bop.gov

RIN: 1120-AA11**1328. INCOMING PUBLICATIONS****Priority:** Substantive, Nonsignificant

Legal Authority: 5 USC 551; 18 USC 5039; 28 USC 509 to 510; 28 USC 1346(b); 28 USC 2671 to 2680; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024

CFR Citation: 28 CFR 540.71**Legal Deadline:** None

Abstract: This document amends Bureau regulations on Incoming Publications to require that inmates in medium security, high security, and administrative institutions may receive softcover publications only from the publisher, book club, or bookstore.

Timetable:

Action	Date	FR Cite
NPRM	01/18/94	59 FR 2668
NPRM Comment Period End	03/21/94	
Final Action	06/00/02	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303

Fax: 202 307-0828
Email: sqaureshi@bop.gov

RIN: 1120-AA15**1329. INFECTIOUS DISEASES****Priority:** Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 549**Legal Deadline:** None

Abstract: This document finalizes regulations on the correctional management of tuberculosis, HIV, and hepatitis B.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/05/95	60 FR 52278
Interim Final Rule Comment Period End	12/04/95	
Final Action	07/00/02	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqaureshi@bop.gov

RIN: 1120-AA23**1330. POSTSECONDARY EDUCATION
PROGRAMS****Priority:** Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 544**Legal Deadline:** None

Abstract: This document revises the Bureau's regulations on postsecondary education to exclude courses which are offered as part of an occupational education program. Courses which are offered as part of an occupational education program are to be covered by the Bureau's regulations on

occupational education. The inmate is consequently responsible for paying postsecondary education tuition costs either through personal funds, community resources, or scholarships available to the inmate. This revision is intended to simplify the organization of the Bureau's regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/17/00	65 FR 44400
NPRM Comment Period End	09/15/00	
Final Action	06/00/02	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqaureshi@bop.gov

RIN: 1120-AA25**1331. LITERACY PROGRAM****Priority:** Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 544.70 to 544.76**Legal Deadline:** None

Abstract: This document makes changes to the Bureau's literacy program regulations for the sake of clarification or simplification.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50791
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/99	
Final Action	09/00/02	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of

DOJ—BOP

Final Rule Stage

Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
 Phone: 202 307-6303
 Fax: 202 307-0828
 Email: sqareshi@bop.gov
RIN: 1120-AA33

1332. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039

CFR Citation: 28 CFR 540

Legal Deadline: None

Abstract: This document postpones the effective date for certain provisions of the final rule on telephone regulations and inmate financial responsibility, which was published on April 4, 1994.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/02/96	61 FR 90
Interim Final Rule Comment Period End	03/04/96	
Final Action	10/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
 Phone: 202 307-6303
 Fax: 202 307-0828
 Email: sqareshi@bop.gov

RIN: 1120-AA39

1333. TELEPHONE REGULATIONS AND INMATE FINANCIAL RESPONSIBILITY

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 551; 18 USC 3663; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 5006 to 5024; 5 USC 552a; 18 USC 1791; 18 USC 3013; 18 USC 3571; 18 USC 3572; 18 USC 3621; 18 USC 3622; 18 USC 3624

CFR Citation: 28 CFR 540.105; 28 CFR 545.11

Legal Deadline: None

Abstract: On January 2, 1996, BOP published an NPRM proposing limitations on telephone privileges and commissary privileges for inmates who refuse to participate in the inmate financial responsibility program (BOP 1050). On December 28, 1999, BOP finalized that portion of the NPRM pertaining to limitations on commissary privileges. BOP is continuing to work on addressing issues raised by its proposed limitations on telephone privileges for inmates who are inmate financial responsibility program refusees. BOP will finalize that portion of its January 1996 NPRM in a separate document (BOP 1102).

Timetable:

BOP 1050

NPRM 01/02/96 (61 FR 92)
 NPRM Comment Period End 03/04/96
 Final Action 12/28/99 (64 FR 72798)
 Final Action Effective 01/27/00

BOP 1102

Final Action 11/00/02
 Final Action Effective 01/00/03

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
 Phone: 202 307-6303
 Fax: 202 307-0828
 Email: sqareshi@bop.gov

RIN: 1120-AA49

1334. INCOMING PUBLICATIONS: NUDITY AND SEXUALLY EXPLICIT MATERIAL OR INFORMATION

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 551; 18 USC 5039; 28 USC 509 to 510; PL 104-208; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024

CFR Citation: 28 CFR 540.70 to 540.72

Legal Deadline: None

Abstract: This rule modifies the Bureau of Prisons rule on Incoming Publications in order to implement the provisions of the Fiscal Year 1997 Omnibus Budget Act (Public Law 104-208) prohibiting use of appropriated funds for distributing or making

available to an inmate any commercially published information or material when such information or material is sexually explicit or features nudity.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/06/96	61 FR 57568
Interim Final Rule Effective	12/01/96	
Interim Final Rule Comment Period End	01/06/97	
Final Action	09/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
 Phone: 202 307-6303
 Fax: 202 307-0828
 Email: sqareshi@bop.gov

RIN: 1120-AA59

1335. GOOD CONDUCT TIME

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3568; 28 USC 509 to 510; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039

CFR Citation: 28 CFR 523

Legal Deadline: None

Abstract: This document notes the statutory requirements for the awarding of good conduct time, including the Bureau's consideration in instances where the inmate does not have a high school diploma or GED and is not making satisfactory progress toward earning a high school diploma or GED.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/26/97	62 FR 50786
Interim Final Rule Effective	11/03/97	
Interim Final Rule Comment Period End	11/25/97	
Final Action	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

DOJ—BOP

Final Rule Stage

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: squreshi@bop.gov

RIN: 1120-AA62

1336. ADMINISTRATIVE REMEDY PROGRAM: EXCLUDED MATTERS

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 542

Legal Deadline: None

Abstract: This document amends Bureau regulations on the Administrative Remedy Program to provide for the processing of certain requests or appeals which previously had been excluded. This amendment is intended to comply with provisions of the Prisoner Litigation Reform Act pertaining to exhaustion of available administrative remedies.

Timetable:

Action	Date	FR Cite
NPRM	06/27/00	65 FR 39767
NPRM Comment Period End	08/28/00	
Final Action	09/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: squreshi@bop.gov

RIN: 1120-AA72

1337. VISITING REGULATIONS: PRIOR RELATIONSHIP

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 551; 28 USC 509 to 510; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624;

18 USC 4001; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039

CFR Citation: 28 CFR 540.44

Legal Deadline: None

Abstract: This document revises regulations on visiting to require that visiting privileges at all institutions ordinarily shall be extended to friends and associates only when the relationship had been established prior to confinement. Previously this requirement was applicable only at Medium Security Level, High Security Level, and Administrative Institutions.

Timetable:

Action	Date	FR Cite
NPRM	05/18/99	64 FR 27166
NPRM Comment Period End	07/19/99	
Final Action	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: squreshi@bop.gov

RIN: 1120-AA77

1338. OVER-THE-COUNTER (OTC) MEDICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 28 USC 509 to 510; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4045; 18 USC 4081 to 4082; 18 USC 4241 to 4247; 18 USC 5006 to 5024; 18 USC 5039

CFR Citation: 28 CFR 549.30 to 549.31

Legal Deadline: None

Abstract: This document establishes procedures governing inmate access to over-the-counter (OTC) medications. Selected OTC medications are currently available to the inmate population through commissary purchase. The Bureau will continue to dispense OTC medications at sick call only if the inmate does not already have the OTC medications and health services staff determine the inmate has an immediate medical need that needs to be addressed before the inmate's regularly

scheduled commissary visit or that the inmate is without funds.

Timetable:

Action	Date	FR Cite
NPRM	03/01/99	64 FR 10094
NPRM Comment Period End	04/30/99	
Final Action	11/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: squreshi@bop.gov

RIN: 1120-AA81

1339. DESIGNATION OF OFFENSES SUBJECT TO SEX OFFENDER RELEASE NOTIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3565; 18 USC 5006 to 5024; 18 USC 5031 to 5042; 28 USC 509 to 510; 18 USC 2568 to 3569; 18 USC 3582; 18 USC 3621 to 3622; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 4201 to 4218

CFR Citation: 28 CFR 571

Legal Deadline: None

Abstract: This document designates various offenses as sexual offenses for purposes of 18 U.S.C. 4042(c). The designations ensure that notifications can be made for military offenders, for District of Columbia Code offenders, and for these and other Federal inmates with a sex offense in their criminal history.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/16/98	63 FR 69386
Interim Final Rule Comment Period End	02/16/99	
Final Action	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of

DOJ—BOP

Final Rule Stage

Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqareshi@bop.gov
RIN: 1120-AA85

1340. INMATE COMMISSARY ACCOUNT DEPOSIT PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 509 to 510; 31 USC 725; 18 USC 3624; 18 USC 4001; 18 USC 4005; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039

CFR Citation: 28 CFR 506; 28 CFR 540.23; 28 CFR 540.51

Legal Deadline: None

Abstract: This document specifies how an inmate may receive funds from family, friends, and other sources. Any funds sent from family or friends will be sent directly to a centralized inmate commissary account for receipt and posting. Funds received from other sources such as tax refunds, dividends from stocks, or State benefits will be forwarded for deposit to the centralized inmate commissary account.

Timetable:

Action	Date	FR Cite
NPRM	04/23/99	64 FR 20126
NPRM Comment Period End	06/22/99	
Final Action	09/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqareshi@bop.gov

RIN: 1120-AA86

1341. DRUG ABUSE TREATMENT PROGRAMS: DISINCENTIVES AND ENHANCED INCENTIVES

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3521 to 3528; 18 USC 5006 to 5024; 18 USC 5039;

28 USC 509 to 510; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4046; 18 USC 4081; 18 USC 4082

CFR Citation: 28 CFR 550

Legal Deadline: None

Abstract: This document broadens the eligibility criteria for the drug abuse education program. In addition, this document establishes disincentives which may be imposed for the purpose of encouraging inmates to participate in the residential drug treatment program.

Timetable:

Action	Date	FR Cite
NPRM	09/20/00	65 FR 56840
NPRM Comment Period End	11/20/00	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqareshi@bop.gov

RIN: 1120-AA88

1342. SEARCHES OF HOUSING UNITS, INMATES, INMATE WORK AREAS, AND PERSONS OTHER THAN INMATES: ELECTRONIC DEVICES

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 751 to 752; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510; 18 USC 1791 to 1793; 18 USC 3050; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4012; 18 USC 4042; 18 USC 4081 to 4082

CFR Citation: 28 CFR 511; 28 CFR 552

Legal Deadline: None

Abstract: This document clarifies provisions in the Bureau's regulations which pertain to the use of electronic devices in searches of inmates and persons other than inmates.

Timetable:

Action	Date	FR Cite
NPRM	02/25/99	64 FR 9431

Action	Date	FR Cite
NPRM Comment Period End	04/26/99	
Final Action	07/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqareshi@bop.gov

RIN: 1120-AA90

1343. OCCUPATIONAL EDUCATIONAL PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 544

Legal Deadline: None

Abstract: This rule revises the Bureau's regulations on occupational educational programs to remove obsolete or redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/17/00	65 FR 44401
NPRM Comment Period End	09/15/00	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqareshi@bop.gov

RIN: 1120-AA92

1344. DRUG TESTING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC

DOJ—BOP

Final Rule Stage

4042; 18 USC 4081 to 4082; 18 USC 4251 to 4255; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 550

Legal Deadline: None

Abstract: This document consolidates into a single drug testing program separately stated regulations on alcohol testing and urine surveillance. The consolidated regulations provide for more flexibility in the use of testing methods.

Timetable:

Action	Date	FR Cite
NPRM	09/21/00	65 FR 57126
NPRM Comment Period End	11/20/00	
Final Action	09/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqaureshi@bop.gov

RIN: 1120-AA95

**1345. CORRESPONDENCE:
INSPECTION OF OUTGOING
GENERAL CORRESPONDENCE**

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 551; 5 USC 552a; 18 USC 1791; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 540.14

Legal Deadline: None

Abstract: This document amends the Bureau's regulations on correspondence to require that outgoing inmate general correspondence at all institutions may not be sealed and may be read and inspected by staff. This amendment is intended to provide for the continued efficient and secure operation of the institution and to protect the public. The requirement does not apply to special mail.

Timetable:

Action	Date	FR Cite
NPRM	07/27/99	64 FR 40718
NPRM Comment Period End	09/27/99	
Final Action	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqaureshi@bop.gov

RIN: 1120-AA98

**1346. RELEASE GRATUITIES,
TRANSPORTATION, AND CLOTHING:
ALIENS**

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3565; 18 USC 3568 to 3569; 18 USC 3582; 18 USC 3621 to 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081 to 4082; 18 USC 4161 to 4166; 18 USC 4201 to 4218; 18 USC 5006 to 5024; 18 USC 5031 to 5042; 28 USC 509 to 510

CFR Citation: 28 CFR 571.21

Legal Deadline: None

Abstract: This document amends the Bureau's regulations on release gratuities, transportation, and clothing to require that aliens being released to immigration authorities for the purpose of release, transfer to a community corrections center, or another processing center, be provided a \$10 gratuity. Aliens being released with an order of deportation, exclusion, or removal, or aliens detained or serving 60 days or less in contract facilities would not receive the gratuity.

Timetable:

Action	Date	FR Cite
NPRM	10/04/99	64 FR 53872
NPRM Comment Period End	12/03/99	
Final Action	06/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of

Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqaureshi@bop.gov

RIN: 1120-AA99

**1347. RELIGIOUS BELIEFS AND
PRACTICES: NOMENCLATURE
CHANGE**

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510; 42 USC 1996; ...

CFR Citation: 28 CFR 548

Legal Deadline: None

Abstract: This regulation renames the special diet that accommodates inmates' religious dietary practices. The old name was "common fare" and the new name will be "the religious diet menu."

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/02	
Interim Final Rule Comment Period End	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqaureshi@bop.gov

RIN: 1120-AB04

**1348. DISTRICT OF COLUMBIA
EDUCATIONAL GOOD TIME CREDIT**

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3568; 18 USC 3621; 18 USC 3622; 18 USC 3624; 18 USC 4001; 18 USC 4042; 18 USC 4081; 18 USC 4082; 18 USC 4161 to 4166; 18 USC 5006 to 5024; 18 USC 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 523

Legal Deadline: None

DOJ—BOP

Final Rule Stage

Abstract: This rule establishes procedures for awarding educational good time credit consistent with the D.C. Code for D.C. Code offenders in Bureau institutions or Bureau contract facilities, under the National Capital Revitalization and Self-Government Improvement Act of 1997, who committed their offenses before August 5, 2000.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/02	
Interim Final Rule	08/00/02	
Comment Period End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First

Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqaureshi@bop.gov

RIN: 1120-AB05

1349. SUICIDE PREVENTION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 3621, 3622, 3624, 4001, 4042, 4081, 4082, 5006 to 5024, 5039; 28 USC 509 to 510

CFR Citation: 28 CFR 552

Legal Deadline: None

Abstract: This document revises Bureau regulations on the suicide prevention program for the sake of clarity and in order to remove Agency management procedures which do not need to be stated in regulations. The revised regulations more clearly

delineate for the inmate the procedures used to identify and protect inmates deemed to be at risk for suicide.

Timetable:

Action	Date	FR Cite
NPRM	11/13/00	65 FR 67670
NPRM Comment Period End	01/12/01	
Final Action	09/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Sarah N. Qureshi, Rules Administrator, Department of Justice, Bureau of Prisons, 320 First Street NW, HOLC Building, Room 741, Washington, DC 20534
Phone: 202 307-6303
Fax: 202 307-0828
Email: sqaureshi@bop.gov

RIN: 1120-AB06

**Department of Justice (DOJ)
Civil Rights Division (CRT)**

Proposed Rule Stage

1350. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES (SECTION 610 REVIEW)

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 12186(b)

CFR Citation: 28 CFR 36

Legal Deadline: None

Abstract: In 1991, the Department of Justice published regulations to implement title III of the Americans with Disabilities Act of 1990 (ADA). Those regulations include the ADA Standards for Accessible Design, which establish requirements for the design and construction of accessible facilities that are consistent with the ADA Accessibility Guidelines (ADAAG) published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). In the time since the regulations became effective, the Department of Justice and the Access Board have each gathered a great deal of information regarding the implementation of the Standards. The Access Board is currently in the process of revising ADAAG, and it published a Notice of Proposed

Rulemaking (NPRM) on November 16, 1999. In order to maintain consistency between ADAAG and the ADA Standards, the Department is reviewing its title III regulations and expects to propose, in one or more stages, to adopt the revisions proposed by the Access Board and to make related revisions to the Department's title III regulations. In addition to maintaining consistency between ADAAG and the Standards, the purpose of this review and these revisions will be to more closely coordinate with voluntary standards; to clarify areas which, through inquiries and comments to the Department's technical assistance phone lines, have been shown to cause confusion; to reflect evolving technologies in areas affected by the Standards; and to comply with section 610 of the Regulatory Flexibility Act, which requires agencies once every 10 years to review rules that have a significant economic impact upon a substantial number of small entities.

The adoption of revised ADAAG will also serve to address changes to the ADA Standards previously proposed in RIN 1190-AA26 and RIN 1190-AA38, which have been withdrawn. These changes will include technical specifications for facilities designed for

use by children and accessibility standards for State and local government facilities that have previously been published by the Access Board.

The timetable set forth below refers to the notice of proposed rulemaking that the Department will issue as the first stage of the above-described title III rulemaking. This notice of proposed rulemaking will be issued under both title II and title III. For purposes of the title III regulation, this notice will propose to adopt revised ADAAG as the ADA Standards for Accessible Design and will initiate the review of the regulation in accordance with the requirements of section 610 of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

Regulatory Flexibility Analysis

Required: Yes

DOJ—CRT

Proposed Rule Stage

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: RIN 1190-AA44, which will effect changes to 28 CFR 36 (the Department's regulation implementing title III of the ADA), is related to another rulemaking of the Civil Rights Division, RIN 1190-AA46, which will effect changes to 28 CFR 35 (the Department's regulation implementing title II of the ADA).

Agency Contact: John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738

Phone: 800 514-0301

TDD Phone: 800 514-0383

Fax: 202 307-1198

RIN: 1190-AA44

1351. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES (SECTION 610 REVIEW)

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: 5 USC 301; 28 USC 509 to 510; 42 USC 12134; PL 101-336

CFR Citation: 28 CFR 35

Legal Deadline: None

Abstract: On July 26, 1991, the Department published its final rule implementing title II of the Americans with Disabilities Act (ADA). On November 16, 1999, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) issued its first comprehensive review of the ADA Accessibility Guidelines, which form the basis of the Department's ADA Standards for Accessible Design. The ADA (section 204(c)) requires the Department's standards to be consistent with the Access Board's guidelines. Therefore, the Department will publish a Notice of Proposed Rulemaking (NPRM) proposing to adopt the revisions proposed by the Access Board. The Department will also, in one or more stages, review its title II regulations for purposes of section 610 of the Regulatory Flexibility Act and make related changes to its title II regulations.

In addition to the statutory requirement for the rule, the social and economic realities faced by Americans with

disabilities dictate the need for the rule. Individuals with disabilities cannot participate in the social and economic activities of the Nation without being able to access the programs and services of State and local governments. Further, amending the Department's ADA regulations will improve the format and usability of the ADA Standards for Accessible Design; harmonize the differences between the ADA Standards and national consensus standards and model codes; update the ADA Standards to reflect technological developments that meet the needs of persons with disabilities; and coordinate future ADA Standards revisions with national standards and model code organizations. As a result, the overarching goal of improving access for persons with disabilities so that they can benefit from the goods, services, and activities provided to the public by covered entities will be met.

The timetable set forth below refers to the notice of proposed rulemaking that the Department will issue as the first stage of the above-described title II rulemaking. This notice of proposed rulemaking will be issued under both title II and title III. For purposes of the title II regulation, this notice will propose to eliminate the Uniform Federal Accessibility Standards (UFAS) as an alternative to the ADA Standards for Accessible Design and to adopt revised ADAAG as the ADA Standards.

Timetable:

1190-AA26 (Completed)

NPRM 06/20/94 (59 FR 31808)

NPRM Comment Period End 08/19/94

Merged into RIN 1190-AA46 02/15/00 (65 FR 22968)

1190-AA36 (Completed)

NPRM 11/27/95 (60 FR 58462)

NPRM Comment Period End 01/26/96

NPRM Comment Period Extended to

3/1/1996 02/06/96 (61 FR 4389)

Merged into RIN 1190-AA46 03/05/02

1190-AA38 (Completed)

NPRM 07/22/96 (61 FR 37964)

NPRM Comment Period End 10/21/96

Merged into RIN 1190-AA46 02/15/00 (65 FR 22968)

1190-AA46 (Active)

NPRM 12/00/02

NPRM Comment Period End 02/00/03

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local

Federalism: This action may have federalism implications as defined in EO 13132.

Additional Information: RIN 1190-AA46, which will effect changes to 28 CFR 35 (the Department's regulation implementing title II of the ADA), is related to another rulemaking of the Civil Rights Division, RIN 1190-AA44, which will effect changes to 28 CFR 36 (the Department's regulation implementing title III of the ADA). By adopting revised ADAAG, this rulemaking will, among other things, address changes to the ADA Standards previously proposed in RINs 1190-AA26, 1190-AA36, and 1190-AA38, which have been withdrawn and merged into this rulemaking. These changes include accessibility standards for State and local government facilities that had been previously published by the Access Board (RIN 1190-AA26) and the timing for the compliance of State and local governments with the curb-cut requirements of the title II regulation (RIN 1190-AA36). In order to consolidate regulatory actions implementing title II of the ADA, on February 15, 2000, RINs 1190-AA26 and 1190-AA38 were merged into this rulemaking and on March 5, 2002, RIN 1190-AA36 was merged into this rulemaking.

Agency Contact: John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738

Phone: 800 514-0301

TDD Phone: 800 514-0383

Fax: 202 307-1198

RIN: 1190-AA46

1352. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; RECREATION FACILITIES

Priority: Other Significant. Major status under 5 USC 801 is undetermined.

Legal Authority: 5 USC 301; 28 USC 509 to 510; 42 USC 12134; 42 USC 12186; PL 101-336

CFR Citation: 28 CFR 35; 28 CFR 36

Legal Deadline: None

Abstract: On July 9, 1999, the U.S. Architectural and Transportation Barriers Compliance Board (Access

DOJ—CRT

Proposed Rule Stage

Board) published a Notice of Proposed Rulemaking to amend the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department's ADA Standards for Accessible Design. After receiving public comments, the Access Board published a summary of proposed changes to the guidelines for public comment on July 21, 2000. This Notice of Proposed Rulemaking would, for the first time, establish accessibility guidelines for the design of recreation facilities, such as health clubs, golf courses, and amusement parks. The ADA (sections 204(c) and 306(c)) requires the Department's accessibility standards to be consistent with the Access Board's guidelines. Therefore, the Department expects to publish a Notice of Proposed Rulemaking proposing to adopt the revisions proposed by the Access Board and proposing related changes to the Department's regulations with respect to the operation of recreation facilities.

Individuals with disabilities cannot participate in the social and economic realms of the Nation without being able to access public entities and public accommodations throughout the country. Promulgating this amendment to the Department's ADA regulations will ensure that the regulations are consistent with the ADAAG, thereby preventing the confusion that could develop if the Department's regulations were inconsistent with the Access Board guidelines. In addition, amending the Department's ADA regulations will improve the Department's overarching goal of improving access for persons with disabilities. The proposed rule will ensure that new recreation facilities are readily accessible to and usable by individuals with disabilities. As new recreation facilities are designed and constructed to be accessible, individuals with disabilities will enjoy the benefits of these facilities. Operators of recreation facilities will experience increased usage and patronage by individuals with disabilities. Designers and manufacturers will have a clear and consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations**Government Levels Affected:** State, Local**Agency Contact:** John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738

Phone: 800 514-0301

TDD Phone: 800 514-0383

Fax: 202 307-1198

RIN: 1190-AA47**1353. AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT OF 1998 COMPLAINT PROCESS****Priority:** Other Significant**Legal Authority:** 8 USC 1182(n)(5)**CFR Citation:** 28 CFR 44.500**Legal Deadline:** None

Abstract: The American Competitiveness and Workforce Improvement Act (ACWIA)—enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998—made various changes to the Immigration and Nationality Act (the INA) relating to temporary nonimmigrant professionals. In this rule (RIN 1190-AA48), the Department's Office of Special Counsel for Immigration-Related Unfair Employment Practices (OSC) will implement the ACWIA "failure to select" protections—codified in the INA at section 212(n)(5)—by establishing a process under which U.S. workers may file complaints against employers for denying them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under this process, OSC may receive and review these complaints, and then—if there is reasonable cause to believe the allegations—initiate binding arbitration proceedings through the Federal Mediation and Conciliation Service (FMCS). A companion to this rule will include changes to the regulations of

the Office of the Chief Administrative Hearing Officer of the Executive Office for Immigration Review to provide for the review of arbitrators' decisions and, where appropriate, the award of administrative relief. These rules are being coordinated with the Immigration and Naturalization Service (INS), the Department of Labor (DOL), and the FMCS.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	10/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Additional Information: Through RIN 1115-AF40 (INS No. 1974-99), INS will implement the ACWIA "whistleblower" protection provisions—codified in the INA at section 212(n)(2)(C)(iv) and (v)—prohibiting retaliation against H-1B workers who disclose information which they believe indicates their employer has violated the law or regulations pertaining to labor condition applications for nonimmigrants. That rule will also enable an H-1B worker who files a complaint alleging retaliation to remain in the United States and seek authorization to work in the United States for a temporary period while his or her complaint is under review.

Through RIN 1115-AF41 (INS No. 1975-99), INS will implement portions of ACWIA pertaining to new penalties for employers misrepresenting material facts in an H-1B application. That rule complements regulations issued by the Department of Labor (DOL). It also defines the term "United States employer" and implements other provisions of ACWIA.

Agency Contact: Juan Carlos Benitez, Special Counsel, Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration Related Unfair Employment Practices, 950 Pennsylvania Avenue, NW, Washington, DC 20530
Phone: 202 616-5594
Fax: 202 616-5509

Larry P. Cote, Department of Justice, Executive Office for Immigration Review, 2400 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-3172

DOJ—CRT

Proposed Rule Stage

Fax: 703 305-0443

RIN: 1190-AA48

1354. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE OR LOCAL GOVERNMENT FACILITIES; PUBLIC ACCOMMODATIONS AND COMMERCIAL FACILITIES; ACCESSIBILITY STANDARDS; PLAY AREAS

Priority: Other Significant

Legal Authority: 5 USC 301; 28 USC 509 to 510; 42 USC 12134; 42 USC 12186; PL 101-336

CFR Citation: 28 CFR 35; 28 CFR 36

Legal Deadline: None

Abstract: On October 18, 2000, the U.S. Architectural and Transportation Barriers Compliance Board (Access Board) published a final rule to supplement the ADA Accessibility Guidelines (ADAAG), which form the basis of the Department's ADA Standards for Accessible Design. These guidelines establish for the first time accessibility guidelines for the design of play areas. The ADA (sections 204(c) and 306(c)) requires the Department's accessibility standards to be consistent with the Access Board's guidelines. Therefore, the Department expects to publish a Notice of Proposed Rulemaking proposing to adopt the revisions of the Access Board and proposing related changes to the Department's regulations with respect to the operation of play areas.

Persons with disabilities cannot participate in the social and economic realms of the Nation without being able to access public entities and public accommodations throughout the country. Promulgating this amendment to the Department's ADA regulations will ensure that the regulations are consistent with the ADAAG, thereby preventing the confusion that could develop if the Department's regulations were inconsistent with the Access Board Guidelines. In addition, amending the Department's ADA regulations will improve the Department's overarching goal of improving access for persons with disabilities. This rule is designed to ensure that new play areas are readily accessible to and usable by persons with disabilities. As new play areas are designed and constructed to be accessible, persons with disabilities will enjoy the benefits of these areas.

Operators of play areas will experience increased usage and patronage by persons with disabilities. Designers and manufacturers will have a clear and consistent set of standards with which to work. Establishing uniform standards for accessibility has resulted in innovation and new designs that are cost effective and beneficial to everyone.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment	11/00/02	
Period End		

Regulatory Flexibility Analysis

Required: Undetermined

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local

Agency Contact: John L. Wodatch, Chief, Disability Rights Section, Department of Justice, Civil Rights Division, P.O. Box 66738, Washington, DC 20035-6738
Phone: 800 514-0301
TDD Phone: 800 514-0383
Fax: 202 307-1198

RIN: 1190-AA50

1355. AMENDMENTS TO PROCEDURES ADVISING STATES AND POLITICAL SUBDIVISIONS SPECIALLY COVERED UNDER THE VOTING RIGHTS ACT HOW TO SEEK PRECLEARANCE FROM THE ATTORNEY GENERAL OF PROPOSED VOTING CHANGES

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 28 USC 509 to 510; 42 USC 1973a(c); 42 USC 1973c

CFR Citation: 28 CFR 51

Legal Deadline: None

Abstract: Section 5 of the Voting Rights Act of 1965 requires that certain States and their political subdivisions (covered jurisdictions) obtain "preclearance" from the Federal Government of proposed changes in voting practices and procedures prior to their implementation. Preclearance may be obtained either through litigation in the United States District Court for the District of Columbia or administratively from the Attorney General. In 1971 the Department first

issued procedures for the administration of section 5 to inform covered jurisdictions concerning the manner in which they could comply with section 5 in the administrative proceeding before the Attorney General. In subsequent years, the Department has amended these procedures to reflect changes in section 5 law, in the Attorney General's internal practices, and to make the procedures clearer and easier to follow. In the 14 years since the last major amendment to the procedures, there have been significant changes in section 5 law and in the practices employed by the Department in processing submissions, which are not reflected in the existing Procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment	10/00/02	
Period End		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local

Agency Contact: Joseph D. Rich, Chief, Voting Section, Department of Justice, Civil Rights Division, Room 7254, 1800 G Street NW, Washington, DC 20006
Phone: 202 307-2870

RIN: 1190-AA51

1356. AMENDMENTS TO COORDINATION OF ENFORCEMENT OF NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS—IMPLEMENTATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 2000d et seq; 29 USC 706; 29 USC 794; EO 12250

CFR Citation: 28 CFR 42.401 to 42.415; 28 CFR 41.1 to 41.58

Legal Deadline: None

Abstract: In 1988, the Civil Rights Restoration Act (CRRRA) added definitions of "program or activity" and "program" to title VI and added a definition of "program or activity" to section 504. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. In a joint rulemaking described at RIN 1190-AA49, the Department and other Federal agencies are conforming their implementation regulations to the CRRRA and to several other statutes.

DOJ—CRT

Proposed Rule Stage

In the rulemaking described under this RIN (1190-AA52) the Department of Justice proposes to make amendments to its coordination regulations concerning agency enforcement of title VI of the Civil Rights Act of 1964, 28 CFR 42.401 to 42.415, and agency enforcement of section 504 of the Rehabilitation Act of 1972, 28 CFR 41.1 to 41.58. The proposed amendments explicitly incorporate the CRRA's definition of "program or activity" and "program" into the Department's title VI and section 504 coordination regulations.

Further, this joint rule will include similar amendments to the regulations of the Department of Defense and the Department of Housing and Urban Development implementing title VI, section 504, and/or the Age Discrimination Act, which are not participating in the joint rule at 1190-AA49.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Federal

Agency Contact: Merrily A. Friedlander, Chief, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66560, Washington, DC 20035-6560
Phone: 202 307-2222
TDD Phone: 202 307-2678
Fax: 202 307-0595
Email: merrily.a.friedlander@usdoj.gov

RIN: 1190-AA52

1357. PROCEDURES TO REVIEW POLICE DEPARTMENTS FOR A PATTERN OR PRACTICE OF CONDUCT THAT DEPRIVES PERSONS OF RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE CONSTITUTION OR LAWS OF THE U.S.

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 28 USC 509

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. section 14141 ("section 14141"), the Attorney General is authorized to file lawsuits seeking court

orders to reform police departments engaging in a pattern or practice of conduct that deprives persons of rights, privileges, or immunities secured by the Constitution or laws of the United States. To date, the Department of Justice has conducted reviews of police departments pursuant to section 14141 using informal procedures. The purpose of this rule is to formalize the procedures by which the Department reviews police departments for a pattern or practice of unlawful conduct.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment Period End	09/00/02	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected:

Undetermined

Federalism: Undetermined

Agency Contact: Robert Driscoll, Deputy Assistant Attorney General, Department of Justice, Civil Rights Division, Room 5541, 950 Pennsylvania Avenue, NW, Washington, DC 20530
Phone: 202 353-0742

RIN: 1190-AA53

Department of Justice (DOJ)

Civil Rights Division (CRT)

Final Rule Stage

1358. NONDISCRIMINATION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, HANDICAP, AND AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 794; 42 USC 2000d to 2000d-7; 42 USC 6101 to 6107; EO 12250

CFR Citation: 28 CFR 42.101 to 42.112; 28 CFR 42.501 to 42.540; 28 CFR 42.700 to 42.736

Legal Deadline: None

Abstract: The Department of Justice is amending its regulations implementing title VI of the Civil Rights Act of 1964 (title VI), section 504 of the Rehabilitation Act of 1972 (section 504), and the Age Discrimination Act of 1975 (Age Discrimination Act). Together, these statutes prohibit discrimination on the basis of race,

color, national origin, disability, and age in programs or activities that receive Federal financial assistance. In 1988, the Civil Rights Restoration Act (CRRRA) added definitions of "program or activity" and "program" to title VI and added a definition of "program or activity" to section 504 and the Age Discrimination Act. The added definitions were designed to clarify the broad scope of coverage of recipients' programs or activities under these statutes. The promulgation of this regulation explicitly incorporates the CRRRA's definition of "program or activity" and "program" into the Department's title VI, section 504, and Age Discrimination Act regulations. The Department's regulation will be published as part of a joint final rule involving up to 24 Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	12/06/00	65 FR 76460

Action	Date	FR Cite
NPRM Comment Period End	01/05/01	
Final Action	08/00/02	
Final Action Effective	09/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: State, Local, Federal

Agency Contact: Merrily A. Friedlander, Chief, Coordination and Review Section, Department of Justice, Civil Rights Division, P.O. Box 66560, Washington, DC 20035-6560
Phone: 202 307-2222
TDD Phone: 202 307-2678
Fax: 202 307-0595
Email: merrily.a.friedlander@usdoj.gov

RIN: 1190-AA49

Department of Justice (DOJ)
Civil Rights Division (CRT)
Completed Actions
1359. NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 35

Completed:

Reason	Date	FR Cite
Merged into RIN 1190- AA46	03/05/02	

Merged into RIN 1190- AA46

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local

Federalism: This action may have federalism implications as defined in EO 13132.

Agency Contact: John L. Wodatch
 Phone: 800 514-0301
 TDD Phone: 800 514-0383
 Fax: 202 307-1198

RIN: 1190-AA36

Department of Justice (DOJ)
Drug Enforcement Administration (DEA)
Prerule Stage
1360. ● CHEMICAL MIXTURES CONTAINING GAMMA-BUTYROLACTONE

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b)

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: In previous rulemakings, DEA made gamma-butyrolactone (GBL) a List I chemical and established thresholds for transactions involving this chemical. DEA is requesting information from interested persons in order to propose regulations governing chemical mixtures containing gamma-butyrolactone (GBL), a List I chemical. GBL is used in the illicit manufacture of GHB, a Schedule I controlled substance. Specifically, DEA is seeking information on the types of products containing GBL; the concentration levels of GBL in the product formulations; and the packaging, distribution, use, and commercial availability of these products. This information will help to determine whether there are chemical mixtures containing GBL which should be exempt from the regulations governing listed chemicals.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/02	
ANPRM Comment Period End	10/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-222

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

Related RIN: Related To 1117-AA52

RIN: 1117-AA64

1361. ● CHEMICAL MIXTURES CONTAINING LISTED FORMS OF PHOSPHORUS

Priority: Other Significant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b)

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: In a previous rulemaking, DEA made red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) List I chemicals. DEA is requesting information from interested parties to propose regulations governing chemical mixtures containing the List I chemicals red phosphorus, white phosphorus, and hypophosphorous acid (and its salts).

These three List I chemicals are used industrially and have multiple commercial purposes. They are also used in the illicit production of methamphetamine and amphetamine. Information sought will help determine whether there are chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts) which should be exempt from the regulations governing listed chemicals.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/02	
ANPRM Comment Period End	07/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-228

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

Related RIN: Related To 1117-AA57

RIN: 1117-AA66

Department of Justice (DOJ)
Drug Enforcement Administration (DEA)

Proposed Rule Stage

1362. GUIDELINES FOR PROVIDING CONTROLLED SUBSTANCES TO OCEAN VESSELS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 871(b)

CFR Citation: 21 CFR 1301

Legal Deadline: None

Abstract: DEA is considering whether to propose amending its regulations regarding the supply of controlled substances to ocean vessels to provide a means of supply more consistent with current industry practices for other materials. The decision on whether to propose amendments will be based on the information and comments submitted in response to this notice of proposed rulemaking and DEA's experience with the existing procedures and practices for supplying controlled substances to ocean vessels.

Timetable:

Action	Date	FR Cite
ANPRM	09/18/96	61 FR 49086
ANPRM Comment Period End	11/18/96	
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-142

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA40

1363. SALE BY FEDERAL DEPARTMENTS OR AGENCIES OF CHEMICALS USABLE TO MANUFACTURE A CONTROLLED SUBSTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 880; 21 USC 958(f); 21 USC 965; 21 USC 890

CFR Citation: 21 CFR 1310; 21 CFR 1316

Legal Deadline: None

Abstract: DEA is proposing to amend its regulations to provide that a Federal

department or agency may not sell from the stocks of the department or agency any chemical which could be used in the manufacture of a controlled substance unless the Administrator of DEA certifies in writing to the head of the department or agency that there is no reasonable cause to believe that the sale of the chemical would result in the illegal manufacture of a controlled substance. The proposed rulemaking provides regulatory guidelines and establishes a procedure for prospective bidder and/or broker to appeal if they are aggrieved by DEA's failure to provide such certification.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: DEA-176

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA47

1364. EXEMPTION FROM IMPORT/EXPORT REQUIREMENTS FOR PERSONAL MEDICAL USE

Priority: Other Significant

Legal Authority: 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 956

CFR Citation: 21 CFR 1301

Legal Deadline: None

Abstract: DEA is proposing to amend its regulations to restrict to 50 dosage units the total quantity of Schedule II, III, IV, and V controlled substances that may be imported for personal medical use by United States (U.S.) residents entering the U.S. A dosage unit is considered by DEA to be the basic unit used to quantify the amount to be taken in normal usage. The proposed 50 dosage unit limit would not apply to a U.S. resident who has a valid U.S. practitioner's prescription. This proposed rulemaking implements and

extends the provisions of the Controlled Substances Trafficking Prohibition Act of 1998.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-192

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA56

1365. ELECTRONIC ORDERS FOR SCHEDULE I AND II CONTROLLED SUBSTANCES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 821; 21 USC 827; 21 USC 828; 21 USC 871(b); 21 USC 958(e); 21 USC 965

CFR Citation: 21 CFR 1304; 21 CFR 1305

Legal Deadline: None

Abstract: DEA is proposing to revise its regulations to provide the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (CSA) (21 U.S.C. 801 et seq.). The regulations will propose that this electronic system may also be used for controlled substances in Schedules III, IV, and V. These proposed regulations would be in addition to, not a replacement of, the existing rules. These regulations are needed to give manufacturers, distributors, importers, exporters, pharmacies, and hospitals the option to use modern technology for controlled substance transactions. The proposed regulations would reduce paperwork and transaction times for DEA registrants who distribute, purchase, or handle controlled substances. These proposed regulations are consistent with paperwork reduction mandates. These proposed regulations also respond to the requirements of Public Law 106-229, the "Electronic

DOJ—DEA

Proposed Rule Stage

Signatures in Global and National Commerce Act," while maintaining a closed system of distribution of controlled substances and ensuring security and authentication. In addition, DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions.

Timetable:**Electronic Orders for Schedule I and II Controlled Substances**

ANPRM 03/05/01 (66 FR 13274)

NPRM 12/00/02

NPRM Comment Period End 02/00/03

Notice of Intent to Conduct Performance Verification Testing of Public Key Infrastructure Enabled Controlled Substance Orders

Notice 01/11/02 (67 FR 1507)

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** ANPRM: DEA-214

Notice: DEA-224

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

Related RIN: Related To 1117-AA61**RIN:** 1117-AA60**1366. ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 829; 21 USC 871(b)**CFR Citation:** 21 CFR 1306**Legal Deadline:** None

Abstract: DEA is proposing to revise its regulations to permit DEA-registered prescribers to electronically write, sign, and transmit prescriptions. These proposed regulations would be an addition to, not a replacement of, the existing rules. These regulations are needed to give pharmacies, hospitals, and practitioners the ability to use modern technology for controlled substance prescriptions, while maintaining the closed system of distribution of controlled substances dispensing. The proposed regulations would reduce paperwork and

transaction times for DEA registrants who dispense or prescribe controlled substances. The proposed regulations would also reduce the number of prescription errors caused by illegible handwriting and misunderstood oral prescriptions. They would allow pharmacies and hospitals to integrate prescription records into other medical records more directly, increasing efficiency, and would reduce the time patients spend waiting to have prescriptions filled. These proposed regulations are consistent with paperwork reduction mandates. These proposed regulations also respond to the requirements of Public Law 106-229, the "Electronic Signatures in Global and National Commerce Act," while ensuring security and authentication. In addition, DEA is proposing to revise its regulations to provide the option of ordering Schedule I and II controlled substances electronically in a manner consistent with the requirements of the Controlled Substances Act (CSA)(21 USC 801 et seq.)

Timetable:

Action	Date	FR Cite
ANPRM	03/05/01	66 FR 13274
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None**Additional Information:** DEA 214

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

Related RIN: Related To 1117-AA60**RIN:** 1117-AA61**1367. SECURITY REQUIREMENTS FOR HANDLERS OF PSEUDOEPHEDRINE, EPHEDRINE, AND PHENYLPROPANOLAMINE****Priority:** Other Significant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830**CFR Citation:** 21 CFR 1309**Legal Deadline:** None

Abstract: DEA is proposing to require that manufacturers, distributors, importers and exporters of pseudoephedrine, ephedrine and phenylpropanolamine implement security procedures similar to those of Schedules III-V controlled substances to prevent the theft and diversion of these List I chemicals. Pseudoephedrine and ephedrine are used in the illegal manufacture of methamphetamine, and phenylpropanolamine is used in the illegal manufacture of amphetamine.

The vast majority of these clandestine laboratories were producing methamphetamine using over-the-counter regulated drug products. Some of the product found at these clandestine laboratories came from thefts at manufacturers, distributors, importers and exporters. Almost all of the reports of List I chemical thefts reported to DEA in the past few years have involved pseudoephedrine, ephedrine, or phenylpropanolamine.

Therefore, to address the problem of diversion of pseudoephedrine, ephedrine and phenylpropanolamine through theft, DEA is proposing that manufacturers, distributors, importers and exporters of these three chemicals implement security procedures similar to those now used by registrants handling Schedules III through V controlled substances. These procedures include the storage of substances in a secure safe or steel cabinet, cage, or room and installation of a monitored alarm system linked to a central location. Keeping pseudoephedrine, ephedrine, and phenylpropanolamine products in such secure areas will limit the opportunity for theft.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-211

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

DOJ—DEA

Proposed Rule Stage

Phone: 202 307-7297

RIN: 1117-AA62

1368. REORGANIZATION AND CLARIFICATION OF DEA REGULATIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 871(b)**CFR Citation:** 21 CFR 1300; 21 CFR 1301; 21 CFR 1302; 21 CFR 1303; 21 CFR 1304; 21 CFR 1305; 21 CFR 1306; 21 CFR 1307; 21 CFR 1308; 21 CFR 1309; 21 CFR 1310; 21 CFR 1312; 21 CFR 1313; ...**Legal Deadline:** None**Abstract:** DEA is proposing a revision and reorganization of Title 21, Code of Federal Regulations, Chapter II. These regulations relate to the manufacture, distribution, dispensing, importation, and exportation of controlled substances and the manufacture, distribution, importation, and exportation of listed chemicals. This action is being taken to further clarify and reorganize the current regulations. The regulations will be drafted in plain language to make them easier to understand.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-221**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA63

1369. ● CHEMICAL REGISTRATION WAIVERS; EXEMPTION FROM CHEMICAL REGISTRATION FEES FOR CERTAIN PERSONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871(b); 21 USC 875; 21 USC 877; 21 USC 958**CFR Citation:** 21 CFR 1309; 21 CFR 1310**Legal Deadline:** None**Abstract:** DEA is proposing amending its regulations to waive the requirement of registration for contract processors, medical/first aid kit providers, distributors of sample packages of drug products, distributors of research/reference standards, and rural wholesale distributors. These actions

are being taken in response to industry comments and suggestions. DEA has determined that requiring registration for these activities is not necessary for effective enforcement under the Controlled Substances Act (CSA), and waiving the requirement of registration will ease regulatory burdens for the affected industries. DEA is also proposing exempting charitable organizations and governmental entities from initial and renewal registration fees. These fee exemptions will bring the chemical regulations into conformance with the controlled substances regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

Regulatory Flexibility Analysis Required: Undetermined**Government Levels Affected:** State, Local, Federal**Additional Information:** DEA-189**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA67

Department of Justice (DOJ)

Final Rule Stage

Drug Enforcement Administration (DEA)

1370. DEFINITION AND REGISTRATION OF REVERSE DISTRIBUTORS**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871(b); 21 USC 875; 21 USC 877**CFR Citation:** 21 CFR 1301**Legal Deadline:** None**Abstract:** In years past, most pharmaceutical manufacturers and wholesalers, as a service to their customers, accepted returns of outdated/damaged merchandise. Also, agencies such as DEA and State Boards of Pharmacy accepted surrendered drugs or witnessed their disposal by controlled substance registrants. Over the past several years, environmental

concerns and regulations have eliminated many of the disposal options which had been available. As a result, drug producers and government agencies alike are increasingly reluctant to be involved in the disposal process. Due to these factors and the time and resources expended by DEA and manufacturers, DEA is proposing the establishment of this essential link in the legitimate distribution chain.

Timetable:

Action	Date	FR Cite
NPRM	08/23/95	60 FR 43732
NPRM Comment Period End	10/23/95	
Interim Final Rule	11/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None**Additional Information:** DEA-108**Agency Contact:** Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA19

1371. EXEMPTION OF CHEMICAL MIXTURES**Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)

DOJ—DEA

Final Rule Stage

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: The Domestic Chemical Diversion Control Act of 1993 removed the exemption from regulation for chemical mixtures. Chemical mixtures are now regulated, unless specifically exempted by the Administrator. In the proposed rule regarding the implementation of the Domestic Chemical Diversion Control Act of 1993, DEA proposed regulations regarding exemption of chemical mixtures. Based on industry comments, the proposed regulations were subsequently withdrawn for reassessment and consultation with industry. Based on extensive consultations with industry, DEA has published proposed regulations intended to establish the least possible burden on industry while remaining consistent with the requirements of the law. Comments received on the proposed regulations are currently being reviewed.

Timetable:

Action	Date	FR Cite
NPRM	09/16/98	63 FR 49506
NPRM Comment Period Extended to 04/16/99	02/12/99	64 FR 7144
NPRM Comment Period End	04/16/99	
Final Rule	08/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: DEA-137

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

RIN: 1117-AA31

1372. REGISTRATION AND REREGISTRATION APPLICATION FEES

Priority: Other Significant

Legal Authority: 21 USC 802; 21 USC 821; 21 USC 822; 21 USC 871(b)

CFR Citation: 21 CFR 1301

Legal Deadline: None

Abstract: In furtherance of the DEA's 1992 final rule regarding the increase

of application fees (57 FR 60148), DEA is publishing this explanation of the components of the diversion control program.

Timetable:

Action	Date	FR Cite
Final Rule Republished for Further Comment	12/30/96	61 FR 68624
Comment Period End	03/31/97	
Final Rule	11/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: DEA-140

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA34

1373. CHEMICAL REGISTRATION AND REREGISTRATION FEES

Priority: Other Significant

Legal Authority: 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 830; 21 USC 871 (b); 21 USC 875; 21 USC 877; 21 USC 958

CFR Citation: 21 CFR 1309

Legal Deadline: None

Abstract: The Drug Enforcement Administration (DEA) proposes to amend its application fees for registration and reregistration of manufacturers, distributors, importers, and exporters of List I chemicals, as authorized by section 3(a) of the Domestic Chemical Diversion Control Act of 1993 (DCDCA), reducing the fees from \$595.00 to \$326.00 for initial registration, and the reregistration fees from \$477.00 to \$171.00. Fees for retail registrants will increase from \$255.00 to \$326.00 for registration, and from \$116.00 to \$171.00 for reregistration. Office of Management and Budget Circular A-25 requires a periodic review of user charges for agency programs. This review will bring fees into alignment with current changes in costs or market values.

Timetable:

Action	Date	FR Cite
NPRM	12/01/99	64 FR 67216

Action	Date	FR Cite
NPRM Comment Period End	01/31/00	
Final Rule	10/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: DEA-185

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7297

RIN: 1117-AA50

1374. PLACEMENT OF GAMMA-BUTYROLACTONE IN LIST I OF THE CONTROLLED SUBSTANCES ACT (21 U.S.C. 802)

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 802; 21 USC 830; 21 USC 871(b)

CFR Citation: 21 CFR 1310

Legal Deadline: None

Abstract: Public Law 106-172, signed into law on February 18, 2000, and known as the "Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999" amends section 102(34) of the Controlled Substances Act as amended (CSA) by designating gamma-butyrolactone (GBL), the precursor to gamma-hydroxybutyric acid (GHB), as a List I chemical. Reflecting this change in statute, the Drug Enforcement Administration (DEA) amended its regulation to reflect the status of GBL as a List I chemical subject to the requirements of the CSA and its regulations. Establishment of a threshold for GBL is the subject of a separate rulemaking. Therefore, unless and until a threshold is established, any distribution of GBL is a regulated transaction as described by 21 CFR 1300.02(b)(28). All handlers of GBL must comply with the CSA regulatory requirements pertaining to List I chemicals as described in the body of this document. Further, DEA is considering regulations regarding exemption of chemical mixtures containing GBL.

DOJ—DEA

Final Rule Stage

Timetable:**Placement of Gamma-Butyrolactone in List I of the Controlled Substance Act (21 U.S.C. 802)**

Final Rule 04/24/00 (65 FR 21645)

Threshold for Gamma-Butyrolactone

NPRM 10/24/01 (66 FR 53746)

Correction 12/12/01 (66 FR 64173)

NPRM Comment Period End 12/24/01

Final Action 09/00/02

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** DEA-199, DEA-203

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

Related RIN: Related To 1117-AA64**RIN:** 1117-AA52**1375. INDUSTRIAL USE OF PRODUCTS AND MATERIALS DERIVED FROM CANNABIS PLANTS****Priority:** Other Significant**Legal Authority:** 21 USC 802; 21 USC 811; 21 USC 812; 21 USC 871(b)**CFR Citation:** 21 CFR 1308**Legal Deadline:** None

Abstract: DEA published three rules simultaneously in the Federal Register regarding the status of products manufactured from the cannabis plant. It is anticipated that the three rules will be as follows.

The first rule will be an interpretive rule, which will provide DEA's interpretation of existing law with respect to the listing of tetrahydrocannabinols (THC) in Schedule I of the Controlled Substances Act (CSA) and DEA regulations. (Please see "Additional Information" for further details.)

The second rule will be a proposed rule, which will propose to revise the wording of the DEA regulations to more clearly reflect DEA's interpretation of the law as set forth in the interpretive rule. The proposed rule would make clear that the listing of THC in Schedule I includes both natural and synthetic THC and that any substance containing any amount of THC is a

Schedule I controlled substance—even if such substance is made from "hemp."

The third rule will be an interim rule, which will exempt from application of the CSA and DEA regulations certain industrial "hemp" products. DEA would be issuing this rule to allow the continuation of what have historically been considered legitimate industrial uses of "hemp." Under this rule, industrial "hemp" products such as paper, rope, and clothing may continue to be marketed in the United States without being subject to the CSA. At the same time, in order to protect the public health and safety, the interim rule will not allow "hemp" products that result in THC entering the human body. In this manner, it will remain clear that the only lawful way THC may enter the human body is when a person is using a federally approved drug or when the person is the subject of federally approved research.

Timetable:**Clarification of Listing of****Tetrahydrocannabinols**

NPRM 10/09/01 (66 FR 51535)

NPRM Comment Period End 12/10/01

Final Action 05/00/02

Exemption from Control of Certain**Industrial Products and Material Derived From the Cannabis Plant**

Interim Final Rule 10/09/01 (66 FR 51539)

Interim Final Rule Comment Period End 12/10/01

Interim Final Rule extending grace period 02/15/02 (67 FR 7073)

Final Action 05/00/02

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Additional Information: While agencies are not required to include information regarding interpretive rules in the Unified Agenda, DEA is providing a description of this interpretive rule for informational purposes. The interpretive rule will provide DEA's interpretation of existing law with respect to the listing of tetrahydrocannabinols (THC) in Schedule I of the Controlled Substances Act (CSA) and DEA regulations. The rule will further provide DEA's interpretation of the current legal status of products containing THC. In recent months, DEA has received numerous inquiries from members of the public about the legal status of products made from "hemp" (portions of the cannabis plant excluded from the CSA definition of marijuana). As stated in this rule,

DEA interprets the CSA such that any substance containing any amount of THC is a Schedule I controlled substance—even if such substance is made from "hemp."

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537

Phone: 202 307-7183

RIN: 1117-AA55**1376. CONTROL OF RED PHOSPHORUS, WHITE PHOSPHORUS, AND HYPOPHOSPHOROUS ACID (AND ITS SALTS) AS LIST I CHEMICALS****Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b)**CFR Citation:** 21 CFR 1310**Legal Deadline:** None

Abstract: Because of their use and importance in the illicit manufacture of methamphetamine, a Schedule II controlled substance, DEA is proposing the addition of red phosphorus, white phosphorus (also known as yellow phosphorus), and hypophosphorous acid (and its salts) as List I chemicals. These phosphorus chemicals have been identified as being important chemicals for the illicit production of methamphetamine. As List I chemicals, handlers of these materials will be subject to Controlled Substances Act (CSA) chemical regulatory controls including registration, recordkeeping, reporting, and import/export requirements. DEA has determined that these controls are necessary to prevent the diversion of these chemicals to clandestine drug laboratories.

DEA has conducted an extensive review of the phosphorus industry, publishing an Advanced Notice of Proposed Rulemaking. DEA's review indicated that there are only two domestic producers of white phosphorus and three producers of red phosphorus, or hypophosphorous acid (and its salts). While producers of white phosphorus will be required to register with DEA and maintain records of each regulated transaction (i.e., all transactions of these chemicals), over 98 percent of the phosphorus produced is converted to a form not impacted by this regulation. The remaining 2

DOJ—DEA

Final Rule Stage

percent of the phosphorus (used domestically) is utilized in its elemental form (i.e., as red phosphorus or white phosphorus) or used to produce all other phosphorus chemicals. Therefore, this regulation will only affect the distribution of less than 2 percent of the industry at the end user level. Further, DEA is considering regulations regarding the exemption of chemical mixtures containing red phosphorus, white phosphorus, and hypophosphorous acid (and its salts).

Timetable:

Action	Date	FR Cite
ANPRM	02/02/00	65 FR 4913
ANPRM Comment Period End	04/03/00	
NPRM	09/25/00	65 FR 57577
NPRM Comment Period End	11/24/00	
Final Rule	10/17/01	66 FR 52670
Comment Period End	11/16/01	
Final Action	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-198

Agency Contact: Frank Sapienza, Chief, Drug and Chemical Evaluation Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7183

Related RIN: Related To 1117-AA66

RIN: 1117-AA57

1377. ALLOWING CENTRAL FILL PHARMACIES TO FILL PRESCRIPTIONS FOR CONTROLLED SUBSTANCES ON BEHALF OF RETAIL PHARMACIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 821; 21 USC 822; 21 USC 823; 21 USC 824; 21 USC 871 (b); 21 USC 875; 21 USC 877**CFR Citation:** 21 CFR 1300; 21 CFR 1301; 21 CFR 1304; 21 CFR 1305; 21 CFR 1306; 21 CFR 1307**Legal Deadline:** None

Abstract: DEA is amending its regulations to provide for the use of central fill pharmacies, also known as refill pharmacies, fulfillment centers, or call centers. Unlike retail pharmacies which dispense controlled substances directly to the patient, central fill pharmacies provide a service to retail pharmacies by preparing and packaging prescriptions for retail pharmacies to dispense to the patient. Prescription information is transmitted from a retail pharmacy to a central fill pharmacy where the prescription is filled or refilled. The filled prescription is delivered to the retail pharmacy for pickup by the patient. Industry has expressed interest in utilizing central fill pharmacy operations to allow for more efficient delivery of prescriptions to patients.

Timetable:

Action	Date	FR Cite
NPRM	09/06/01	66 FR 46567
NPRM Comment Period End	11/05/01	
Final Action	07/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-208

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297

RIN: 1117-AA58

1378. • CHANGE OF ADDRESS FOR FILING CHEMICAL IMPORT/EXPORT DECLARATIONS (DEA FORM 486), REPORTS FOR THE IMPORTATION OR EXPORTATION OF TABLETING AND ENCAPSULATING MACHINES, AND OTHER RELATED REPORTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 21 USC 802; 21 USC 830; 21 USC 871(b); 21 USC 971**CFR Citation:** 21 CFR 1310; 21 CFR 1313**Legal Deadline:** None

Abstract: DEA is amending the Code of Federal Regulations to change the address to which certain required chemical-related reports are submitted.

Timetable:

Action	Date	FR Cite
Final Rule	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: DEA-229

Agency Contact: Patricia M. Good, Chief, Liaison and Policy Section, Department of Justice, Drug Enforcement Administration, Office of Diversion Control, Washington, DC 20537
Phone: 202 307-7297

RIN: 1117-AA65

Department of Justice (DOJ)
Drug Enforcement Administration (DEA)

Completed Actions

1379. IMPLEMENTATION OF THE METHAMPHETAMINE CONTROL ACT; REGULATION OF PSEUDOEPHEDRINE, PHENYLPROPANOLAMINE, AND COMBINATION EPHEDRINE DRUG PRODUCTS; REPORTS OF CERTAIN TRANSACTIONS TO NONREGULATED PERSONS

Priority: Other Significant

CFR Citation: 21 CFR 1300; 21 CFR 1309; 21 CFR 1310

Completed:

Reason	Date	FR Cite
Final Action	03/28/02	67 FR 14853
Final Action Effective	04/29/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Patricia M. Good
 Phone: 202 307-7297

RIN: 1117-AA44

Department of Justice (DOJ)
Executive Office for Immigration Review (EOIR)

Proposed Rule Stage

1380. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL FOR CERTAIN BATTERED SPOUSES AND CHILDREN; MOTIONS TO REOPEN FOR CERTAIN BATTERED SPOUSES AND CHILDREN

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 8 USC 1101 note; 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224-1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1251a; 8 USC 1252b; 8 USC 1324b; 8 USC 1362; 28 USC 509-510; 28 USC 1746; Reorg Plan No. 2 of 1950; 3 CFR 1949-53 Comp., sec 2; PL 105-100, sec 202-203; PL 105-277, sec 902; PL 106-386, sec 1506; PL 106-554, sec 1505; PL 106-554, sec 1510; 8 CFR 2; 8 CFR 3; 8 CFR 240

CFR Citation: 8 CFR 3; 8 CFR 240

Legal Deadline: None

Abstract: This rule amends Department regulations by establishing procedures

incorporating the amended requirements of cancellation of removal for battered spouses and children under 240A(b)(2) of the Immigration and Nationality Act (Act), and suspension of deportation under former section 244(a)(3) of the Act (as it existed before April 1, 1997), which were amended by section 1504 of the Battered Immigrant Women Protection Act of 2000.

This rule also amends Department regulations by establishing procedures for certain battered spouses and children to reopen their removal or deportation proceedings to apply for the relief of cancellation of removal or suspension of deportation under 240(c)(6)(C)(iv) of the Act (as amended by section 1506 of the Battered Immigrant Women Protection Act of 2000).

Additionally, this rule establishes procedures which must be followed by EOIR when an alien applies for a

domestic violence victim waiver under section 237(a)(7) of the Act (as amended by section 1505(b) of the Battered Immigrant Women Protection Act of 2000).

Timetable:

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	02/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
 Phone: 703 305-0470

RIN: 1125-AA35

Department of Justice (DOJ)
Executive Office for Immigration Review (EOIR)

Final Rule Stage

1381. SUSPENSION OF DEPORTATION AND CANCELLATION OF REMOVAL

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224 to 1227; 8 USC 1251 to 1252; 8 USC 1362; PL 105-100, sec 202

CFR Citation: 8 CFR 240

Legal Deadline: None

Abstract: This rule amends the regulations of the Executive Office for Immigration Review and the

Immigration and Naturalization Service by eliminating the conditional grant process at 8 CFR 240.21 and establishing a permanent procedure for processing suspension of deportation and cancellation of removal cases. This rule is necessary to implement the numerical limitation on suspension of deportation and cancellation of removal and adjustment of status imposed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and the Nicaraguan

Adjustment and Central American Relief Act of 1997 (NACARA).

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/98	63 FR 52134
Interim Final Rule Comment Period End	11/30/98	
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

DOJ—EOIR

Final Rule Stage

Government Levels Affected: None

Additional Information: This rule supersedes rule published October 3, 1997, in the Federal Register at 62 FR 51760 through 51762 (RIN 1125-AA19).

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA25

1382. AUTHORITIES DELEGATED TO THE DIRECTOR OF THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1362; 28 USC 509-10; 28 USC 1746

CFR Citation: 8 CFR 3; 8 CFR 240; 28 CFR

Legal Deadline: None

Abstract: This rule outlines the authorities and powers (and limitations thereto) delegated by the Attorney General to the Director of the Executive Office for Immigration Review (EOIR), the Chairman of the Board of Immigration Appeals (BIA), and the Chief Immigration Judge. These authorities include such managerial responsibilities as: Issuing operational instructions, setting policies, providing for the training of staff, and ensuring the efficient disposition of cases. One of the limitations on the powers of the Director of EOIR, the Chairman of the BIA, and the Chief Immigration Judge is that they cannot direct the result of a case adjudication assigned to someone else. Further, the Director of EOIR cannot adjudicate cases.

Additionally, this rule makes technical amendments to better describe EOIR's components: The Board of Immigration Appeals (BIA), the Office of the Chief Immigration Judge (OCIJ), and the Office of the Chief Administrative Hearing Officer (OCAHO).

Timetable:

Action	Date	FR Cite
NPRM	12/26/00	65 FR 81434
NPRM Comment Period End	02/26/01	
Final Action	08/00/02	

Regulatory Flexibility Analysis Required:

No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA27

1383. MOTIONS TO REOPEN FOR SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL PURSUANT TO SECTION 1505(C) OF THE LIFE ACT AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 8 USC 1103, 1252 note, 1252b, 1324b, 1362; 28 USC 509 to 510; 28 USC 1746; sec 203 of PL 105-100; secs 1506 and 1510 of PL 106-386; sec 1505 of PL 106-554

CFR Citation: 8 CFR 3

Legal Deadline: None

Abstract: The rule amends the regulations of the Executive Office for Immigration Review (EOIR) by establishing a special procedure for the filing and adjudication of motions to reopen to apply for suspension of deportation and cancellation of removal pursuant to section 1505(c) of the Legal Immigration Family Equity Act Amendments of 2000 (LIFE Act Amendments). Motions to reopen under this rule must be filed on or before October 16, 2001.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/17/01	66 FR 37119
Interim Final Rule Comment Period End	09/17/01	
Final Action	08/00/02	

Regulatory Flexibility Analysis Required:

No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA31

1384. SECTION 212(C) RELIEF FOR ALIENS WITH CERTAIN CRIMINAL CONVICTIONS BEFORE APRIL 1, 1997

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1186a; 8 USC 1224-1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 8 USC 1252b; PL 105-110, sec 202-203; PL 105-277, sec 902; 8 CFR part 2

CFR Citation: 8 CFR 3

Legal Deadline: None

Abstract: The rule amends the regulations of the EOIR and the INS by establishing procedures for certain lawful permanent residents (LPRs) with certain criminal convictions to apply for a waiver of inadmissibility pursuant to former section 212(c) of the INA. It is only applicable to certain LPRs whose convictions were prior to April 1, 1997. It applies to certain LPRs who have cases pending before EOIR or are under final administrative orders. This rule will broaden eligibility for INA section 212(c) relief in light of the recent Supreme Court decision in *INS v. St. Cyr*, 121 (S.Ct. 2271(2001)).

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/02	
Interim Final Rule Comment Period End	02/00/03	

Regulatory Flexibility Analysis Required:

No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA33

1385. • BOARD OF IMMIGRATION APPEALS; PROCEDURAL REFORMS TO IMPROVE CASE MANAGEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 8 USC 1103; 8 USC 1252 note; 8 USC 1252b; 8 USC 1324b; 8 USC 1362; 28 USC 509; 28 USC 510; 28 USC 1746; Reorg Plan No 2 of 1950 sec 2; 3 cfr 1949 to 1953 Comp, p.1002; 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229; 8 USC 1253; 8 USC 1281; 8 USC 1283 to 1286; 8 USC 1322 to 1323; 8

DOJ—EOIR

Final Rule Stage

USC 1330; 66 Stat 173; 66 Stat 195; 66 Stat 197; 66 Stat 201; 66 Stat 203; 66 Stat 212; 66 Stat 219; 66 Stat 221 to 223; 66 Stat 226 to 227; 66 Stat 230; PL 101-410, 104 stat 890 (amended); PL 104-134, 110 stat 1321

CFR Citation: 8 CFR 3; 8 CFR 280

Legal Deadline: None

Abstract: This rule revises the structure and procedures of the Board of Immigration Appeals (Board), provides for an enhanced case management procedure, and expands the number of cases referred to a single Board member for disposition. These procedures are intended to reduce delays in the review process, enable the Board to keep up with its caseload and reduce the existing backlog of cases, and allow the Board to focus more attention on those cases presenting significant issues for resolution by a three-member panel.

The rule incorporates the previously proposed rule published by Attorney

General Reno that set forth to clarify and strengthen the management authority of the Director of the Executive Office for Immigration Review (EOIR), the Chairman of the Board, and the Chief Immigration Judge with respect to the efficient disposition of cases pending before the Board and immigration judges. See 65 FR 81434 (Dec. 26, 2000).

In addition, the rule restores grounds for summary dismissal of frivolous appeals. Frivolous appeals include those appeals filed for an improper purpose or appeals that lack an arguable basis in fact or law. The restoration of the summary dismissal grounds allows the EOIR disciplinary counsel to develop a factual record in order to support appropriate disciplinary action against attorneys or representatives who repeatedly file frivolous appeals.

Finally, this rule transfers the Board's current jurisdiction over appeals from

decision by the Immigration and Naturalization Service imposing various kinds of administrative fines (see 8 CFR 280) to the Office of the Chief Administrative Hearing Officer.

Timetable:

Action	Date	FR Cite
NPRM	02/19/02	67 FR 7309
NPRM Comment Period End	03/21/02	
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1125-AA36

Department of Justice (DOJ)

Long-Term Actions

Executive Office for Immigration Review (EOIR)

1386. AUTHORITY OF IMMIGRATION JUDGES TO ISSUE CIVIL MONEY PENALTIES

Priority: Other Significant

CFR Citation: 8 CFR 1; 8 CFR 3

Timetable:

Action	Date	FR Cite
NPRM	05/00/03	
NPRM Comment Period End	07/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Charles Adkins-Blanch
Phone: 703 305-0470

RIN: 1125-AA18

Department of Justice (DOJ)

Proposed Rule Stage

Federal Bureau of Investigation (FBI)

1387. IMPLEMENTATION OF THE NATIONAL STOLEN PASSENGER MOTOR VEHICLE INFORMATION SYSTEM (NSPMVIS)

Priority: Other Significant

Legal Authority: 49 USC 33109 to 33111

CFR Citation: 28 CFR 89

Legal Deadline: None

Abstract: The Attorney General is required to establish a National Stolen Passenger Motor Vehicle Information System (NSPMVIS) pursuant to the Anti Car Theft Act of 1992 (49 U.S.C. 33109 to 33111). The FBI is coordinating efforts in this matter and, under delegated authority from the Attorney General, the FBI is issuing this rule to establish a national system

to verify the theft status of major motor vehicle component parts and junk or salvage vehicles. The system will include certain information about each passenger motor vehicle reported to a law enforcement agency as stolen and not recovered. The rule provides how an individual or entity may obtain information from the system on whether a vehicle or part is listed as stolen. The rule also provides verification procedures to be followed by insurance carriers and certain motor vehicle part businesses. In order to verify the theft status of a part or junk or salvage vehicle, an identification number will have to be obtained from the part or vehicle.

Timetable:

Action	Date	FR Cite
NPRM	04/09/02	67 FR 17027
NPRM Comment Period End	06/10/02	
Final Action	11/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: (RIN 1110-AA01 has been transferred from RIN 1105-AA44.)

The Criminal Division will issue a related regulation to implement the National Motor Vehicle Title Information System (NMVTIS). As required by statute, 49 U.S.C. section

DOJ—FBI

Proposed Rule Stage

30504(a), the regulation will direct junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the NMVTIS concerning vehicles in their possession. (See RIN 1105-AA71.)

Agency Contact: Stephen A. Bucar, Domestic Projects Planning Unit, Department of Justice, Federal Bureau of Investigation, CJIS Division, Module C-3, 1000 Custer Hollow Road, Clarksburg, WV 26306
Phone: 304 625-2751
Fax: 304 625-3875

RIN: 1110-AA01

1388. CLAIMS OF EXEMPTIONS FROM PROVISIONS OF THE PRIVACY ACT AS TO FBI RECORDS

Priority: Info./Admin./Other

Legal Authority: 5 USC 552a

CFR Citation: 28 CFR 16.96

Legal Deadline: None

Abstract: This rule clarifies the meaning of 28 CFR 16.96 "Exemption of Federal Bureau of Investigation Systems—Limited Access" by reorganizing the material and amplifying the reasons for exempting various FBI record systems from some

provisions of the Privacy Act. The benefits will be greater ease of use by the public and more understandable, targeted claims of exemptions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Beth Haley, Assistant General Counsel, Department of Justice, Federal Bureau of Investigation, Room 7338, J. Edgar Hoover Building, 935 Pennsylvania Avenue NW., Washington, DC 20535-0001
Phone: 202 324-4523

RIN: 1110-AA08

1389. FEDERAL BUREAU OF INVESTIGATION CRIMINAL JUSTICE INFORMATION SERVICE DIVISION SYSTEMS AND PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 28 USC 534

CFR Citation: 28 CFR 20.3(b); 28 CFR 20.3(g)

Legal Deadline: None

Abstract: The FBI is publishing for public comment and consideration a proposal to amend regulations relating to FBI criminal justice information systems. These changes will include the term "sentencing" in the definition of the administration of criminal justice and to clarify that "sentencing" includes the establishment of sentencing guidelines and related activities.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Federal

Agency Contact: Harold M. Sklar, Attorney-Advisor, Department of Justice, Federal Bureau of Investigation, CJIS Division Module E-3, 1000 Custer Hollow Road, Clarksburg, WV 26306
Phone: 304 625-2000

RIN: 1110-AA09

Department of Justice (DOJ)

Final Rule Stage

Federal Bureau of Investigation (FBI)

1390. IMPLEMENTATION OF SECTIONS 104 AND 109 OF THE COMMUNICATIONS ASSISTANCE FOR LAW ENFORCEMENT ACT

Priority: Other Significant

Legal Authority: PL 103-414

Communications Assistance for Law Enforcement Act; PL 104-208 Omnibus Consolidated Appropriations Act of 1997

CFR Citation: 28 CFR 100

Legal Deadline: Other, Statutory, October 25, 1998, While CALEA required telecommunications carriers to be in compliance with section 103 by October 25, 1998, the FCC exercised (continued in Additional Information).

Abstract: As required by section 109 of the Communications Assistance for Law Enforcement Act (CALEA), the FBI promulgated Cost Recovery Regulations allowing telecommunications carriers to recover certain costs associated with implementing CALEA. The final rule

was published on March 20, 1997 (62 FR 13307), and became effective on April 21, 1997. In response to public comment received during this rulemaking, the FBI published an ANPRM on November 19, 1996 (61 FR 58799), which solicited input on the definition of the term "significant upgrade or major modification" as used by CALEA. The "significant upgrade or major modification" NPRM was published on April 28, 1998 (63 FR 23231). The FBI is currently preparing a supplemental notice of proposed rulemaking, which will define the terms "replaced" and "significantly upgraded or otherwise undergone major modification," which when codified will amend the Cost Recovery Regulations.

Additionally, CALEA section 104 requires the Attorney General to publish a Notice of Actual and Maximum Capacity in order to provide telecommunications carriers with the

information they will need to meet law enforcement's future simultaneous electronic surveillance requirements. For local exchange, cellular, and broadband PCS, the FBI published an Initial Notice of Capacity on October 16, 1995 (60 FR 53643), and a Second Notice of Capacity on January 14, 1997 (62 FR 1902). The FBI published the Final Notice of Capacity for local exchange, cellular, and broadband PCS on March 12, 1998 (63 FR 12218). Additionally, the FBI published a Notice of Inquiry (NOI) in the Federal Register on December 18, 1998 (63 FR 70160), which solicited information on and suggestions for developing reasonable methodologies for characterizing capacity requirements for telecommunications services and technologies other than local exchange, cellular, and broadband PCS. Comments were due on February 16, 1999. Information gathered in response to the NOI was used in publishing the Further Notice of Inquiry (FNOI) on

DOJ—FBI

Final Rule Stage

June 30, 2000 (65 FR 40694). Comments were due August 29, 2000. Information gathered in response to the FNOI will be used in the publication of an Initial Notice of Capacity for developing reasonable capacity methodologies for the paging, mobile satellite, specialized mobile radio, and enhanced specialized mobile radio services.

Timetable:**“Significant upgrade or major modification”**

ANPRM 11/19/96 (61 FR 58799)
ANPRM Comment Period End 12/19/96
NPRM 04/28/98 (63 FR 23231)
NPRM Comment Period End 06/29/98
Supplemental NPRM Proposing
Definitions 10/05/01 (66 FR 50931)
Supplemental NPRM Comment Period
End 12/04/01
Final Action 09/00/02

Cost Recovery Rule (Telecom. Carriers)

NPRM 05/10/96 (61 FR 21396)
NPRM Comment Period End 07/09/96
Final Rule 03/20/97 (62 FR 13307)
Final Rule Effective 04/21/97

Notice of Actual and Max. Cap.-local exch, cellular, broadband PCS

Initial Notice 10/16/95 (60 FR 53643)
Second Notice 01/14/97 (62 FR 1902)
Final Notice 03/12/98 (63 FR 12217)

Notice of Actual and Max. Cap.-paging, MSS, SMR, ESMR

Notice of Inquiry (Cap Methodology)
12/18/98 (63 FR 70160)
Further Notice of Inquiry (Cap
Methodology) 06/30/00 (65 FR 40694)
Initial Notice of Capacity 12/00/02

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Businesses**Government Levels Affected:** None

Additional Information: STATUTORY DEADLINE CONT: its authority under section 107 of CALEA to grant carriers extensions of this compliance date. As a result of the FCC's order, carriers must now be in compliance with section 103 by June 30, 2000. If compliance is not reasonably achievable through application of available technology, the carrier may petition the FCC for a section 107 extension of up to 2 years. By subsequent FCC orders, the assistance capability compliance date for packet mode communication is November 19, 2001, and for the additional capabilities/“punchlist” capabilities is June 30, 2002. Carriers may again petition the FCC for a section 107 extension. Lastly, as a result of the publication of the Final Notice of Capacity for local exchange, cellular, and broadband PCS carriers, these

carriers must be in compliance with section 104 by March 12, 2001.

Transferred from RIN 1105-AA39.

Agency Contact: Walter V. Meslar, Unit Chief, Telecommunications Contracts and Audit Unit, Department of Justice, Federal Bureau of Investigation, Suite 300, 14800 Conference Center Drive, Chantilly, VA 20151

Phone: 703 814-4900

Charles Fogle, SSA, CALEA Implementation Section, Department of Justice, Federal Bureau of Investigation, Suite 300, 14800 Conference Center Drive, Chantilly, VA 20151
Phone: 703 814-4836

RIN: 1110-AA00**1391. REGULATIONS UNDER THE PAM LYCHNER SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 104-236, sec 9**CFR Citation:** Not Yet Determined

Legal Deadline: Other, Statutory, October 3, 1999, The Act does not distinguish between NPRM and final regulations.

Abstract: The FBI is issuing regulations to carry out the Pam Lychner Sexual Offender Tracking and Identification Act of 1996. These regulations include guidelines as to the operation and use of the national sex offender registry established by the FBI and the notice to be provided to the FBI in the event a registered sex offender moves interstate. On February 16, 1999, at 64 FR 7562, the FBI published a Notice of Proposed Rulemaking (NPRM) on this subject. Comments submitted on the NPRM are currently being reviewed.

Timetable:

Action	Date	FR Cite
NPRM	02/16/99	64 FR 7562
NPRM Comment Period End	04/19/99	
Final Action	09/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Tribal

Additional Information: Transferred from RIN 1105-AA56.

Agency Contact: Venetia Sims, Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Systems Division, Clarksburg, WV 26306
Phone: 304 625-2000

RIN: 1110-AA04**1392. NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM****Priority:** Other Significant

Legal Authority: 18 USC 922 to 925; 5 USC 605(b); EO 12866; EO 13132; 5 USC 804; ...

CFR Citation: 28 CFR 25(b)(1); 28 CFR 25(b)(2); 28 CFR 25(b)(3); 28 CFR 25.9(b)(4); 28 CFR 25.2; ...

Legal Deadline: Other, Judicial, October 22, 2001, Written comments regarding proposed rule must be submitted on or before.

Abstract: The Department promulgated regulations to govern the National Instant Criminal Background Check System (NICS) in 1998 when the NICS became operational, and adopted amendments which became effective on July 3, 2001.

In this proposed rule, the Department published for public comment and further consideration, five proposals to make additional changes in the NICS regulations. The proposed changes balance the legitimate privacy interests of law-abiding firearms purchasers and the Department's obligation to enforce the Brady Act and the Gun Control Act to prevent prohibited persons from purchasing firearms.

Timetable:

Action	Date	FR Cite
NPRM	07/06/01	66 FR 35567
NPRM Comment Period End	09/04/01	
NPRM Comment Period Reopened	09/20/01	66 FR 48390
NPRM Reopened Comment Period End	10/22/01	
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Tribal

Agency Contact: Fanny L. Haslebacher, Attorney Advisor, Access Integrity Unit, Department of Justice, Federal Bureau of Investigation, CJIS Division,

DOJ—FBI

Final Rule Stage

1000 Custer Hollow Road, Clarksburg,
WV 26306-0147Phone: 304 625-2000
RIN: 1110-AA07**Department of Justice (DOJ)**
Immigration and Naturalization Service (INS)

Prerule Stage

1393. RESTRICTING CITIZENS OF BANGLADESH, INDIA, PAKISTAN, AND SRI LANKA FROM PARTICIPATION IN THE INTERNATIONAL-TO-INTERNATIONAL (ITI) PROGRAM**Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** 8 CFR Sec 212 part 1(f) (2)**Legal Deadline:** None**Abstract:** This regulatory action advises the public that the Immigration and Naturalization Service (Service) is amending its policy that allowed

citizens from Bangladesh, India, Pakistan, and Sri Lanka the privilege to participate in the International-to-International (ITI) program despite Service regulations at title 8, section 212, part 1(f) (2) barring the citizens of these countries from participation in the Transit Without Visa (TWOV) and ITI programs. This notice proposes to correct this conflict between policy and regulations.

Timetable:

Action	Date	FR Cite
ANPRM	10/00/02	
ANPRM Comment	12/00/02	
Period End		

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2157-01**Agency Contact:** Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7499
Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AG30

Department of Justice (DOJ)
Immigration and Naturalization Service (INS)

Proposed Rule Stage

1394. REVISED GROUNDS OF INADMISSIBILITY, EXCEPTIONS, AND WAIVERS FOR IMMIGRANTS AND NONIMMIGRANTS, AND EXCEPTIONS**Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 5 USC 552; 8 USC 1158; 8 USC 1159; 8 USC 1160; 8 USC 1182; 8 USC 1183; 8 USC 1184; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1157**CFR Citation:** 8 CFR 103; 8 CFR 207; 8 CFR 208; 8 CFR 210; 8 CFR 212; ; 8 CFR 240; 8 CFR 241; 8 CFR 245; 8 CFR 245a; 8 CFR 249; 8 CFR 274a; 8 CFR 299; ...**Legal Deadline:** None**Abstract:** This rulemaking covers several grounds of inadmissibility applicable to those aliens seeking admission to the United States temporarily or permanently—criminal, security, labor certification, licensure requirements for foreign medical graduates and health care workers, failure to attend a removal proceeding, fraud, improperly issued immigrant visa, permanent ineligibility for U.S. citizenship and miscellaneous grounds. It implements several pieces of legislation. The most significant is the

Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), signed on September 30, 1996, which substantially revised most grounds of inadmissibility under section 212 of the Act and the waivers available to both immigrants and nonimmigrants.

The original plan was to publish one large regulation. Instead, for logistical and practical reasons, and for ease of reading, the INS will publish an all-encompassing regulation, (consisting of 13 subparts.) Separately, INS will also publish the following regulations which focus on specific issues and include the following proposed rules: “Medical Examination Requirements and Designation of Civil Surgeons” RIN 1115-AG37, INS No. 2165-01; “Consent to Reapply for Admission After Removal” RIN 1115-AG28, INS No. 2147-01; “Waivers of the 2-Year Foreign Residence Requirement for Certain Exchange Visitors” RIN 1115-AG35, INS No. 2158-01; “Illegal Entries, Unlawful Presence, and Automatic Voidance of Nonimmigrant Visas” RIN 1115-AG36, INS No. 2166-01 and “Medical Grounds of Inadmissibility and Waivers” RIN 1115-AG38, INS No.2167-01.

In addition, the INS will publish one larger rule encompassing these points that were not broken out into separate rules. This larger rule addresses several grounds of inadmissibility including fraud, smuggling, and criminal grounds among others.

Timetable:

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment	03/00/03	
Period End		

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Additional Information:** INS No. 1413-92

Consolidated INS Rules 1304, RIN 1115-AC01; 1235, RIN 1115-AB39; 1232, RIN 1115-AB45; and 1648, RIN 1115-AD62.

Agency Contact: Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

DOJ—INS

Proposed Rule Stage

Phone: 202 514-4754

Related RIN: Merged With 1115-AB39**RIN:** 1115-AB45**1395. FEES FOR PARTICIPATION IN DEDICATED COMMUTER LANES AT SELECTED PORTS OF ENTRY; COLLECTION OF FEES UNDER THE DEDICATED COMMUTER LANE PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356; 8 USC 1182; 8 USC 1183**CFR Citation:** 8 CFR 103; 8 CFR 235; 8 CFR 286; 8 CFR 299**Legal Deadline:** None

Abstract: These rules provide for the collection of a fee at the time of application for participation in a Dedicated Commuter Lane (DCL), instead of at the time of approval of the application. The DCL program is a pilot project established at selected land border ports of entry to expedite the transborder movement of eligible, pre-screened, low-risk groups through designated traffic lanes. The first interim rule clarifies the requirements for the use of the DCL (INS No. 1675). The second interim rule will set forth the fee required of participants in order to cover the technological costs (INS No. 1794).

INS No. 2058-00 will propose to remove restrictions currently in place that limit the locations where the INS can establish commuter lanes. In addition, the proposed rule will incorporate other projects designed to enhance border security and effective traffic management at port of entry. Finally, the rule may adjust the fee structure in order to administer these projects.

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1675 Eff. 9/29/95; Comment Period End 11/28/95	09/29/95	60 FR 50386
Interim Final Rule Comment Period End	11/28/95	
Interim Final Rule (INS 1794-96)	10/11/96	61 FR 53303

Action	Date	FR Cite
Final Action (INS 1675-94)--Effective 10/16/1996	10/16/96	61 FR 53830
NPRM (INS 2058-00)	01/00/03	
Final Action (INS 1794-96)	01/00/03	
NPRM Comment Period End (INS 2058-00)	03/00/03	

Regulatory Flexibility Analysis**Required:** Yes**Small Entities Affected:** Organizations**Government Levels Affected:** Federal**Additional Information:** INS Nos. 1675 and 1794-96

Agency Contact: Thomas C. Campbell, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4214, 425 I Street NW, Washington, DC 20536
Phone: 202 305-9246

RIN: 1115-AD82**1396. INSPECTION OF PERSONS APPLYING FOR ADMISSION; INTERNATIONAL-TO-INTERNATIONAL USER FEE****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1356**CFR Citation:** 8 CFR 286**Legal Deadline:** None

Abstract: This rule proposes to amend the Immigration and Naturalization Service (Service) regulations to require air carriers to charge and collect a user fee from every International-to-International (ITI) passenger arriving in the United States, except those individuals exempted under section 286(e)(1) of the Immigration and Nationality Act (Act). This action is necessary since the Service is required to inspect all aliens who are applicants for admission or otherwise seeking admission or readmission to or transit through the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1757

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7499
Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AE37**1397. FILING FACTUAL STATEMENTS ABOUT ALIEN PROSTITUTES****Priority:** Substantive, Nonsignificant**Legal Authority:** 18 USC 2424; PL 104-208**CFR Citation:** 28 CFR 94**Legal Deadline:** None

Abstract: On September 30, 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) was enacted. This law not only amended significant portions of title 8 of the United States Code, but also changed the provisions of title 18 United States Code (Crimes and Criminal Procedures). Because section 325 amends 18 U.S.C., the Immigration and Naturalization Service will publish an implementing regulation dealing with the filing of statements by individuals who keep, maintain, control, support, or harbor alien prostitutes.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1810-96	12/00/02	
NPRM Comment Period End	02/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1810-96

Agency Contact: Elizabeth Goyer, Senior Special Agent, Investigations, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, 425 I Street, NW, Washington, DC 20536
Phone: 202 616-3722

RIN: 1115-AE60

DOJ—INS

Proposed Rule Stage

1398. EMPLOYMENT VERIFICATION BY EMPLOYERS THAT ARE MEMBERS OF A MULTI-EMPLOYER ASSOCIATION**Priority:** Other Significant**Legal Authority:** 8 USC 1324a; PL 104-208**CFR Citation:** 8 CFR 274a**Legal Deadline:** None

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). The INS will issue regulations regarding when an employer that is a member of a multi-employer association employing an individual under a collective bargaining agreement entered into between one or more employee organizations and the multi-employer association may rely upon an Employment Eligibility Verification Form (Form I-9) completed for the individual by a previous employer that is a member of the same multi-employer association.

Timetable:

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Re INS No. 1817-96; PL 104-208, title 4

Agency Contact: Marguerite Przbylski Kleczek, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2895

RIN: 1115-AE67**1399. USE OF PAROLE FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT AND REPORT TO CONGRESS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1182**CFR Citation:** 8 CFR 212**Legal Deadline:** NPRM, Statutory, September 11, 1997.

Abstract: Changes to the current regulations are necessitated by section 602 of the Illegal Immigration Reform

and Immigrant Responsibility Act of 1996. This section has reworded certain parole authority by stipulating parole on a case-by-case basis for urgent humanitarian reasons or significant public benefit.

Timetable:

Action	Date	FR Cite
NPRM (INS No. 1840-97)	12/00/02	
Final Rule-INS No. 1840-97	01/00/03	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State, Local, Tribal, Federal**Additional Information:** INS No. 1840-97

This rule affects the following section of the I&NA—section 212, as amended by sections 602 IIRIRA.

See RIN 1115-AF53 (INS No. 2004-99): This interim final rule published on December 28, 2000, amended the regulations concerning the authority to grant the parole of aliens from Service custody by specifically identifying the scope of that authority to include the Commissioner, the Deputy Commissioner, the Executive Associate Commissioner for Field Operations, and Regional Directors. This action was taken to clarify which individuals are authorized by the Attorney General, acting through the Commissioner, to grant parole from Service custody. INS will be issuing a final action addressing any public comments by January 2003.

Agency Contact: Kenneth Leutbecker, Director, Parole and Humanitarian Assistance Branch, Office of International Affairs, Department of Justice, Immigration and Naturalization Service, Attn: ULLICO Bldg, Third Floor, 111 Massachusetts Avenue NW, Washington, DC 20001
Phone: 202 305-2670

RIN: 1115-AE68**1400. CERTIFICATION OF CERTAIN HEALTH CARE WORKERS****Priority:** Other Significant**Legal Authority:** 8 USC 1182(a)(5); PL 104-208**CFR Citation:** 8 CFR 204; 8 CFR 212; 8 CFR 214.2; 8 CFR 245; 8 CFR 248

Legal Deadline: Other, Statutory, January 19, 2001, Abraham v. Reno (D.D.C.).

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Section 343 prohibits the entry of any alien who seeks to enter the U.S. for the purpose of performing labor as a health care worker (other than a physician) without a certificate as to the alien's qualifications and English ability from the Commission on Graduates of Foreign Nursing Schools (CGFNS) or an equivalent independent organization approved by the Attorney General.

The Service published an interim rule (INS 1879-97) to address shortages in the occupations of nursing and occupational therapy on October 14, 1998. In addition, the Service issued a second interim rule on April 30, 1999, to grant CGFNS authorization to issue certificates to foreign health care workers in the occupations of occupational therapy and physical therapy. This rule also granted the Foreign Credentialing Commission on Physical Therapy the authority to issue certificates to foreign-trained physical therapists. The second interim rule (INS 1979-99) was published under RIN 1115-AF43 and now is consolidated with this Unified Agenda of Federal Regulations entry. A third interim rule (INS 2082-00) was published on January 16, 2001, to address certification requirements for Speech Language Pathologists, Audiologists, Medical Technologists, and Physician Assistants.

The Service will be publishing a proposed rule (INS 2089-02) to fully implement section 343, including solicitation of public comments on the requirements relating to the designation of covered health care occupations, the procedures and requirements for certifying organizations, the content of the certificates, and the process for presentation of the certificates.

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS 1879	10/14/98	63 FR 55007
Interim Final Rule Effective-INS 1879	12/14/98	
Interim Final Rule Comment Period End-INS 1879	02/11/99	
Interim Final Rule-INS 1979-99	04/30/99	64 FR 23174
Interim Final Rule Comment Period End-INS 1979-99	06/29/99	

DOJ—INS

Proposed Rule Stage

Action	Date	FR Cite
Interim Final Rule Effective-INS 1979-99	06/29/99	
Interim Final Rule-INS 2089-00	01/16/01	66 FR 3440
Interim Final Rule Comment Period End	03/19/01	
Interim Final Rule Effective-INS 2089-00	03/19/01	
NPRM-INS No. 2089-02	09/00/02	
NPRM-INS No. 2080-02: Comment Period End	11/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: John Brown, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7435

RIN: 1115-AE73**1401. REQUIRING ALIENS ORDERED REMOVED FROM THE UNITED STATES TO SURRENDER TO THE IMMIGRATION AND NATURALIZATION SERVICE FOR REMOVAL****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1254a; 8 USC 1245a note**CFR Citation:** 8 CFR 240.13; 8 CFR 240.14; 8 CFR 240.15; 8 CFR 240.16**Legal Deadline:** None

Abstract: This rule requires aliens subject to a final order of removal to surrender to the INS. This rule also establishes procedures for surrender and bars persons violating these procedures from obtaining discretionary immigration benefits.

Timetable:

Action	Date	FR Cite
NPRM	09/04/98	63 FR 47205
NPRM Comment Period End	11/03/98	
Supplemental NPRM	05/00/02	
Supplemental NPRM Comment Period End	06/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** None

Agency Contact: Daniel Brown, Assistant General Counsel, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7977

RIN: 1115-AE82**1402. SPECIAL IMMIGRANT JUVENILE PETITIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 CFR 2**CFR Citation:** 8 CFR 204**Legal Deadline:** None

Abstract: The Service proposes to amend its regulations to add eligibility and consent requirements for approvals of special immigrant juvenile petitions (Form I-360). The proposed rule would require petitioners for special immigrant juvenile classification to demonstrate that a dependency order relating to the juvenile beneficiary (juvenile) was granted on account of abuse, neglect, or abandonment and establish that a court has determined that the juvenile should not be returned to the home country. The proposed rule would also provide that a dependency order may not serve as a precondition to the approval of the petition unless the Attorney General gives his express consent. These changes are necessary to conform the regulations to the statutory eligibility changes made by the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (the Appropriations Act of 1998).

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1948-98

Agency Contact: Michael C. Biggs, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street, NW, Washington, DC 20536
Phone: 202 353-7705

Email: michael.c.biggs@usdoj.gov

RIN: 1115-AF11**1403. IMMIGRANT PETITIONS; RELIGIOUS WORKERS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 CFR 2**CFR Citation:** 8 CFR 204**Legal Deadline:** None

Abstract: On June 8, 1995, at 60 FR 29751, INS published a final rule that provided that all persons, other than ministers, immigrating to the U.S. as religious workers must immigrate or adjust status to permanent residence before October 1, 1997. By statute this special immigrant category for religious workers expired on October 1, 2000. Congress has extended the category again for an additional 3 years, until October 1, 2003. This regulation will implement the extension of this category and impose additional qualifying employment experience requirements for those persons affected by this provision of immigration regulations.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1436-94	08/00/02	
NPRM Comment Period End	10/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1436-94

Agency Contact: Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 353-8177

RIN: 1115-AF12**1404. DOCUMENTARY REQUIREMENTS FOR RETURNING RESIDENTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257

DOJ—INS

Proposed Rule Stage

CFR Citation: 8 CFR 211**Legal Deadline:** None

Abstract: This rule proposes to amend INS regulations to specify how an alien admitted for permanent residence, on returning to the United States, may prove that he or she is not to be considered an applicant for admission. This rule is necessary to implement section 101(a)(13)(C) of the Act and to clarify the responsibility for carriers who transport to the United States aliens who claim to be returning residents. This rule will ensure that aliens who present themselves as lawful permanent residents are properly documented as such.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1932-98	06/00/02	
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** INS No. 1932-98.

Agency Contact: Una Brien, Director, National Fines Office, Inspections Division, Field Operations, Department of Justice, Immigration and Naturalization Service, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209
Phone: 202 305-7018

RIN: 1115-AF26

1405. DISMISSAL OF ASYLUM APPLICATION FOR UNEXCUSED FAILURE TO APPEAR AND EFFECT ON ELIGIBILITY FOR EMPLOYMENT AUTHORIZATION

Priority: Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2; 8 USC 1101; 8 USC 1329a**CFR Citation:** 8 CFR 208; 8 CFR 274a**Legal Deadline:** None

Abstract: On December 6, 2000, the Service published a final rule to implement the asylum provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This rule proposes to amend the current rule to clarify that dismissal of an asylum application will result in

ineligibility for asylum-based employment authorization.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** INS No. 2011-99

Agency Contact: Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization Service, 3rd Floor, 111 Massachusetts Avenue NW, Washington, DC 20536
Phone: 202 305-2663

RIN: 1115-AF38

1406. SPECIAL IMMIGRANT STATUS FOR CERTAIN NATO CIVILIAN EMPLOYEES

Priority: Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154**CFR Citation:** 8 CFR 204; 8 CFR 214; 8 CFR 245; 8 CFR 274**Legal Deadline:** None

Abstract: This rule amends the Immigration and Naturalization Service regulations by establishing procedures for certain North Atlantic Treaty Organization (NATO) civilian employees and their family members to receive special immigrant status in the U.S. and become lawful permanent residents of this country. This rule also offers nonimmigrant status to any parent or child of a NATO civilian employee who has been granted special immigrant status. This rule is intended to ensure the qualifying NATO employees and their family members are aware of their opportunity to acquire special immigrant status and adjustment of status or otherwise obtain corresponding nonimmigrant status.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** INS No. 1984-99

Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AF44

1407. CONTRACTS WITH TRANSPORTATION LINES

Priority: Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1228**CFR Citation:** 8 CFR 233**Legal Deadline:** None

Abstract: This rule proposes to amend INS regulations by providing signature authority for forms I-420, Agreement Between Transportation Line and the U.S., I-425, Agreement (Pre-Inspection) Between Transportation Line and the U.S. (At Places Outside U.S.), and I-426, Immediate and Continuous Transit Agreement Between a Transport Line & U.S., to the Commissioner or her delegated representative. This change is required by section 308 of IIRIRA which amended section 233 (a) of the I&NA by requiring carriers transporting aliens to the U.S. from all "foreign territory and adjacent islands" to enter into a contract with the U.S. prior to transportation of such aliens. Another change is to remove the signature authority of the Associate Commissioner for Examinations for the aforementioned Agreements because the position was abolished.

Timetable:

Action	Date	FR Cite
NPRM	12/00/02	
NPRM Comment Period End	02/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** INS No.1994-99

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice,

DOJ—INS

Proposed Rule Stage

Immigration and Naturalization Service,
Room 4064, 425 I Street NW,
Washington, DC 20536
Phone: 202 616-7499
Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AF46

1408. ADJUSTMENT OF STATUS UNDER THE 1966 CUBAN ADJUSTMENT ACT

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; PL 105-100, sec 202; ...

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This interim rule specifies what effect an alien's arrival in the United States at a place other than an open port of entry will have on the alien's ability to obtain permanent residence under section 1 of the Cuban Adjustment Act of 1966, as amended. This rule is necessary to establish uniform rules relating to both the alien's eligibility for this relief and to the proper exercise of the discretion to grant or deny this relief.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment	11/00/02	
Period End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Suzy Nguyen, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AF48

1409. ADJUSTMENT OF FEES FOR SERVICES AT LAND BORDER PORTS OF ENTRY

Priority: Other Significant

Legal Authority: PL 100-459; 8 USC 1356(m),(n); PL 101-515; PL 82-137; 31 USC 9701

CFR Citation: 8 CFR 239; 8 CFR 287

Legal Deadline: None

Abstract: This rule proposes to adjust the fees charged by the INS for three

documents processed at land border ports of entry (POEs): (1) Form I-94, (2) Form I-94W, and (3) Form I-68. The I-94 and I-94(W) Arrival/Departure Record grants nonimmigrant visitors entering the U.S. the privilege to stay longer than 72 hours and to travel more than 25 miles from the border point of entry. The I-68, Canadian Border Boat Landing Permit, grants the privilege of making entries on the U.S. side of a body of water without reporting to a U.S. port of entry when traveling by small pleasure craft. Visits shall not exceed 72 hours nor shall travel exceed 25 miles from the border. The fee adjustment is necessary to ensure that full costs are recovered and that sufficient funds are available to service present and future applicants. The fees collected from persons filing those documents are deposited into the Immigration Examinations Fee Account (IFEA).

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment	08/00/02	
Period End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2007-99

Agency Contact: Suzanne H Wilson, Chief, Border Management Branch, Department of Justice, Immigration and Naturalization Service, Room 5307, 425 I Street, Washington, DC 20536
Phone: 202 514-4721
Email: suzanne.wilson@usdoj.gov

RIN: 1115-AF55

1410. INADMISSIBILITY TO ENTER THE UNITED STATES FOR FORMER U.S. CITIZENS WHO RENOUNCED CITIZENSHIP TO AVOID TAXATION

Priority: Other Significant

Legal Authority: 8 USC 1182(a)(10); PL 104-208

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service regulations by establishing procedures to be followed by Service personnel and Department of State personnel in determining whether or not an

expatriate alien is inadmissible to the United States under section 212(a)(10)(E) of the Immigration and Nationality Act. This ground of inadmissibility relates to former U.S. citizens who renounced U.S. citizenship on or after September 30, 1996, and the Attorney General has determined that such renunciation was done for the purpose of avoiding taxation by the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment	12/00/02	
Period End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2039-99

Agency Contact: Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AF69

1411. IMPOSITION OF FINES FOR VIOLATIONS OF THE IMMIGRATION AND NATIONALITY ACT

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1221; 8 USC 1223; 8 USC 1227; 8 USC 1229

CFR Citation: 8 CFR 280

Legal Deadline: None

Abstract: This rule proposes to amend the Immigration and Naturalization Service's (Service) regulations to reflect the actual process used to recommend and impose fines for violations of the Immigration and Nationality Act (Act). Since the publication of 8 CFR part 280, the Service had centralized the fines process and made some adjustments to certain procedures. The 8 CFR part 280 will be renumbered sequentially and reordered to group related issues in one section. This part will also be expanded to provide for fines imposed under section 231A(d)(2) and 274D of the Act and will introduce procedures for detaining vessels and posting bonds, as well as giving the

DOJ—INS

Proposed Rule Stage

Commissioner discretion in requiring bonds.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2041-00

Agency Contact: Una Brien, Director, National Fines Office, Inspections Division, Field Operations, Department of Justice, Immigration and Naturalization Service, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209
Phone: 202 305-7018

RIN: 1115-AF70

1412. ESTABLISHMENT OF FEE FOR PROCESSING GENEALOGICAL RESEARCH REQUESTS FOR INS RECORDS

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b

CFR Citation: 8 CFR 103; 8 CFR 299

Legal Deadline: None

Abstract: Under the Freedom of Information Act and Privacy Act the Immigration and Naturalization Service (Service) processes all requests for Service records including historical and genealogical records. This rule proposes to amend the Service's regulations by establishing the Historical Records Services (HRS) Program to process requests for the Service's historical records. The Service will charge a fee to recover the cost of searching, locating, retrieving, copying, reviewing, and mailing these records to the requester. The HRS program is necessary to provide a more timely response to requests for genealogical and historical records.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Additional Information: INS No. 2074-00

Agency Contact: Marian L. Smith, Historian, Office of Files and Forms Management, Department of Justice, Immigration and Naturalization Service, Room 1100, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2837
Fax: 202 305-8251

RIN: 1115-AF88

1413. INTERCOUNTRY ADOPTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: The Immigration and Naturalization Service (Service) proposes to amend its regulations regarding the immigration of children of foreign states adopted by United States citizens. The proposed rule would establish a new definition of child to include children adopted from countries which have implemented the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Convention). The proposed rule would also change evidentiary requirements for the immigration of adopted children to state that a certificate of adoption or custody issued by the Secretary of State of the United States is conclusive evidence of the relationship between an adoptive parent and the adoptive child. These changes are necessary to conform the regulations to the Intercountry Adoption Act of 2000 (IAA). (Pub. L. 106-279)

The proposed rule would also make other technical changes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2098-00: The legal deadline for this

rulemaking is 1 year from implementation of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.

Agency Contact: Michael C. Biggs, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street, NW, Washington, DC 20536
Phone: 202 353-7705
Email: michael.c.biggs@usdoj.gov

RIN: 1115-AF96

1414. ACADEMIC HONORARIUM FOR B NONIMMIGRANT ALIENS

Priority: Substantive, Nonsignificant

Legal Authority: PL 105-277; 8 USC 1182; 8 USC 1184

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: The Immigration and Naturalization Service is proposing to amend its regulations relating to the acceptance of academic honoraria by nonimmigrant aliens admitted to the United States as a B visa visitor status. This is necessary to implement changes to section 212 of the Immigration and Nationality Act made by the American Competitiveness and Workforce Improvement Act of 1998. The amendment outlines the proposed procedures necessary for a nonimmigrant alien visiting the United States in valid B visa status to accept honoraria in connection with usual academic activities.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2100-00

Agency Contact: Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7867
Fax: 202 514-0198

DOJ—INS

Proposed Rule Stage

Email: craig.s.howie@usdoj.gov

RIN: 1115–AF97

1415. TIME LIMIT FOR APPEAL FROM DENIAL OF RELATIVE VISA PETITION

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: In this rule, the Immigration and Naturalization Service proposes to amend the regulations to provide a 15-day time-limit for an appeal to the Board of Immigration Appeals from the denial of a relative visa petition. Previously, the regulation specified a 15-day limit for such appeal. However, in 1992, that time-limit was inadvertently omitted from an amendment to the regulation, although the form for filing such an Appeal, Form EOIR-29, Notice of Appeal to the Board of Immigration Appeals for Decision of the Director still states that there is a 15-day limit. Nevertheless, the Board of Immigration Appeals has allowed appeals filed at any time after the denial on the ground that the regulations do not specify a time-limit. A time-limit is needed so that appeals may not be filed years after a denial and so that decisions will become final within a reasonable time period.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2105-00

Agency Contact: Ian Hinds, Attorney, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2895

RIN: 1115–AF99

1416. ADOPTION OF SIBLINGS, ADOPTED ALIEN CHILDREN LESS THAN 18 YEARS OF AGE CONSIDERED A “CHILD”

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-139; 8 USC 1103; 8 CFR 2

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: This proposed rule changes the definition of an adopted “child” or “orphan” from 16 years old to 18 years old in cases where the alien has a younger sibling, under the age of 16, who is also the subject of an orphan petition held by the same U.S. citizen or lawful permanent resident. The change is necessary to conform the regulations to the statutory eligibility changes made by Public Law 106-139. This change allows natural siblings, who might otherwise be separated, to be adopted together into the family of a citizen or lawful permanent resident of the United States.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2110-01

Agency Contact: Michael C. Biggs, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street, NW, Washington, DC 20536
Phone: 202 353-7705
Email: michael.c.biggs@usdoj.gov

RIN: 1115–AG04

1417. ADJUSTMENT TO LAWFUL RESIDENT STATUS OF CERTAIN CLASS ACTION PARTICIPANTS WHO ENTERED BEFORE JANUARY 1, 1982, UNDER THE LEGAL IMMIGRATION AND FAMILY EQUITY ACT (LIFE ACT)

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1255a; 8 USC 1225a note

CFR Citation: 8 CFR 245a

Legal Deadline: None

Abstract: This interim rule (INS No. 2115-01) implements section 1104 of the Legal Immigration Family Equity Act (LIFE Act) and LIFE Act Amendments pertaining to adjustment of status of certain class action participants (specifically, Catholic Social Services v. Meese (CSS), 509 U.S. 43 (1993), League of United Latin American Citizens v. INS (LULAC), 509 U.S. 43 (1993), and Zambrano v. INS, 509 U.S. 918 (1993) class applicants) who entered before January 1, 1982, to that of person admitted for lawful residence. This rule establishes procedures for a 1-year application period to allow CSS, LULAC, and Zambrano class applicants to apply for adjustment of status to that of lawful permanent residence.

INS No. 2145-01 proposes to amend the Service’s regulations by establishing procedures to apply for Family Unity benefits for certain spouses and unmarried children of aliens who adjusted to lawful permanent resident (LPR) status pursuant to section 1104 of the Legal Immigration Family Equity (LIFE) Act — known as the LIFE Legalization provision. It applies to those persons who are no longer present in the United States to allow them to apply for Family Unity benefits pursuant to section 1504 of the LIFE Act Amendments. This rule also establishes procedures for certain spouses and unmarried children who previously were granted Family Unity benefits pursuant to section 1504 of the LIFE Act Amendments to apply for an extension of their Family Unity benefits. This rule is necessary to ensure that those aliens eligible to apply for, and extend, Family Unity benefits under the provisions of the LIFE Act Amendments are able to do so in a timely manner.

Timetable:

Action	Date	FR Cite
Interim Final Rule (INS 2115 Life Legalization)	06/01/01	66 FR 29661
Interim Final Rule Comment Period End	07/31/01	
Notice	08/29/01	66 FR 45694
NPRM (INS 2145 Family Unity Benefits)	05/00/02	
NPRM Comment Period End	06/00/02	
Final Action	08/00/02	

DOJ—INS

Proposed Rule Stage

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2115-01

INS No. 2145-01

Agency Contact: Suzy Nguyen, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG06

1418. PROCEDURES FOR CHECKING JUVENILE CRIMINAL RECORDS AND SUBMITTING FINGERPRINTS OF THAT ADDITIONAL CLASS OF ALIENS INELIGIBLE FOR FAMILY UNITY

Priority: Substantive, Nonsignificant**Legal Authority:** 18 USC 5031**CFR Citation:** 8 CFR 236**Legal Deadline:** None

Abstract: This rule describes procedures necessary for INS Service Centers, District Offices, and Application Support Centers to follow when checking juvenile criminal records and fingerprints of aliens who committed a specific act of juvenile delinquency that, if committed by an adult, would be classified as a felony "crime of violence against another individual." Section 383 of Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provides that aliens who committed a specific act of juvenile delinquency, as defined in 18 U.S.C. 5031, are ineligible for benefits under the Family Unity Program.

Timetable:

Action	Date	FR Cite
NPRM	11/00/02	
NPRM Comment Period End	01/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 2116-01

Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice,

Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG07

1419. ADJUSTMENT OF STATUS UNDER SECTION 245(K)

Priority: Substantive, Nonsignificant**Legal Authority:** PL 105-119**CFR Citation:** 9 CFR 245**Legal Deadline:** None

Abstract: This rule proposes amending Service regulations for persons using section 245(k) of the Immigration and Nationality Act to adjust status to that of lawful permanent resident (LPR). Section 245(k) of the Act allows an alien with an approved employment-based petition to adjust status to LPR despite violations of status if those violations have lasted no longer than 180 days since the alien's last entry. This rule proposes eligibility criteria and adjustment procedures for persons wishing to use this section of the Act to become an LPR without leaving the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2120-01

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2763
Email: michael.valverde@justice.usdoj.gov

RIN: 1115-AG10

1420. AMERICAN COMPETITIVENESS IN THE 21ST CENTURY ACT OF 2000 AND OTHER RELATED BILLS, AMERICAN COMPETITIVENESS AND WORKFORCE IMPROVEMENT ACT (ACWIA)

Priority: Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; ...**CFR Citation:** 8 CFR 103; 8 CFR 202; 8 CFR 212; 8 CFR 214; 8 CFR 245; ...**Legal Deadline:** None

Abstract: The American Competitiveness in the 21st Century Act, Public Law 106-313, was enacted on October 17, 2000, along with two bills, the Visa Waiver Permanent Program Act, Public Law 106-311, and a bill to increase the fee for certain H-1B petitions. An earlier piece of legislation, the American Competitiveness and Workforce Improvement Act (ACWIA), Public Law 105-277, was enacted to place certain conditions on the employment of H-1B workers. Together, these bills make significant changes to the H-1B classification. Public Law 106-313 increases the numerical H-1B cap to 195,000 for FY 2000-2002 and the percentage of the fees that INS receives to 4 percent. It exempts certain aliens from the numerical cap, provides for the "portability" of employment authorization, and in certain circumstances extensions of stay for certain aliens who have permanent residence applications pending. Public Law 105-277 imposes penalties for employers violating certain representations and prohibits retaliation against H-1B workers who disclose these violations. This regulation clarifies several interpretive questions raised by the bills and ensures INS practice is consistent with these laws.

Timetable:

Action	Date	FR Cite
NPRM	08/00/02	
NPRM Comment Period End	10/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: INS rule (RIN 1115-AF40) that implemented the American Competitiveness and

DOJ—INS

Proposed Rule Stage

Workforce Improvement Act (ACWIA) was merged into the INS rule (RIN 1115-AG11) because three additional pieces of legislation relating to H-1B classification became law while rule AF40 was being reviewed by the Department of Justice. ACWIA increased the numerical cap on H-1B nonimmigrant aliens; required certain dependent employers to make additional attestations to the Department of Labor (DOL); increased the penalties for employers who have been found to be in violation of DOL's rules; and created a "whistleblower" clause to protect H-1B workers who filed complaints against their employer.

In 1190-AA48, the Civil Rights Division, in cooperation with DOL, will implement in the Justice Department's regulations the ACWIA "failure to select" protections — codified in the Immigration and Nationality Act at section 212(n)(5) — by establishing a process under which United States workers may file complaints against employers for denying them employment opportunities by improperly hiring temporary foreign professionals on H-1B visas. Under that process, the Attorney General is to receive and review these complaints and then — where there is reasonable cause to believe a complainant's allegations — initiate binding arbitration proceedings through Federal Mediation and Conciliation Service.

Agency Contact: Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7435

Deborah Misir, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536
Phone: 202 307-6596

RIN: 1115-AG11

1421. CONSTRUCTION WORK AND THE B NONIMMIGRANT VISA CLASSIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: Not Yet Determined

CFR Citation: 8 CFR 214

Legal Deadline: None

Abstract: The INS is soliciting comments from the public on the issue

of aliens admitted to the U.S. as B nonimmigrant visitors whose intent is to engage in construction work during the alien's stay. In particular the Service is exploring the feasibility of defining the term construction as it relates to B nonimmigrant visitors. A standard definition of construction may assist both the public and the Service in determining if an alien admitted as a B nonimmigrant visitor may engage in construction during his or her period of authorized stay.

Timetable:

Action	Date	FR Cite
ANPRM	09/19/01	66 FR 48223
ANPRM Comment Period End	11/19/01	
NPRM	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2126-01

Agency Contact: Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7867
Fax: 202 514-0198
Email: craig.s.howie@usdoj.gov

RIN: 1115-AG15

1422. ADJUSTMENT OF FEES FOR DEDICATED COMMUTER LANES AND SECURE ELECTRONIC NETWORK FOR TRAVELERS' RAPID INSPECTION (SENTRI) PROGRAMS AT LAND BORDER PORTS OF ENTRY

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; ...

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: This rule proposes to adjust the fees for the Land Border Inspection Fee Account (LBIFA) for the Form I-823, Application for Alternative Inspection Services at land border ports of entry and related systems cost fees for participants in the Dedicated Commuter Lane (DCL) program. Form I-823 is used by applicants to the Port Passenger Accelerated Service System (PORTPASS) that includes the DCL

program and several other land border programs. The Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Program at certain assigned POEs is part of the overall DCL program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2031-99

Agency Contact: Suzanne H Wilson, Chief, Border Management Branch, Department of Justice, Immigration and Naturalization Service, Room 5307, 425 I Street, Washington, DC 20536
Phone: 202 514-4721
Email: suzanne.wilson@usdoj.gov

RIN: 1115-AG18

1423. REMOVAL AND ADJUSTMENT PROCEDURES FOR VICTIMS OF TRAFFICKING AND CERTAIN CRIMINAL ACTIVITIES

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252; 8 USC 1252a; 8 USC 1255; 22 USC 7101; 22 USC 7105; ...

CFR Citation: 8 CFR 204; 8 CFR 214; 8 CFR 245

Legal Deadline: None

Abstract: This rule sets forth measures by which certain victims of severe forms of trafficking and victims of certain crimes who have been granted T or U nonimmigrant status may apply for adjustment to permanent resident status in accordance with Public Law 106-386, the Victims of Trafficking and Violence Protection Act of 2000.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

Regulatory Flexibility Analysis

Required: No

DOJ—INS

Proposed Rule Stage

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No 2134-01

Agency Contact: Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7440

RIN: 1115-AG21

1424. DEFINITIONS OF NOTICE TO APPEAR AND ARREST WARRANT

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 CFR 2

CFR Citation: 8 CFR 1

Legal Deadline: None

Abstract: This proposed rule adds definitions for the terms Notice to Appear and Arrest Warrant. This proposed revision clarifies what is meant by those terms as they relate to the administration of immigration law. The action is necessary to improve the efficiency of the INS and to clarify how a Notice to Appear and an Arrest Warrant issued pursuant to the Immigration and Nationality Act differ from such documents issued under another statute.

Timetable:

Action	Date	FR Cite
NPRM	01/00/03	
NPRM Comment Period End	03/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2140-01

Agency Contact: Donna Kay Barnes, Acting Special Assistant, Office of Field Operations, Department of Justice, Immigration and Naturalization Service, Room 7114, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7488

Related RIN: Related To 1115-AG22

RIN: 1115-AG24

1425. VISA WAIVER PROGRAM: GUAM VISA WAIVER PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1184; 8 USC 1187; ...

CFR Citation: 8 CFR 103; 8 CFR 208; 8 CFR 212; 8 CFR 217; 8 CFR 233; ...

Legal Deadline: None

Abstract: On October 30, 2000, the Visa Waiver Permanent Program Act, Public Law 106-396 made the Visa Waiver Pilot Program (VWPP) permanent with some modifications. The VWPP permits nationals from participating countries to apply for admission to the U.S. for 90 days or less as nonimmigrant visitors for business or pleasure without first obtaining a nonimmigrant visa. The proposed rule will clarify and explain the new VWP requirements as well as ensure that the VWP removal provisions apply fairly and equally to all inadmissible nonimmigrants regardless of nationality. This rule also proposes to amend the Guam Visa Waiver program regulations to allow asylum applicants arriving on Guam under section 212(l) of the Immigration and Nationality Act to have their case heard before an immigration judge without having to proceed through a credible fear interview.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: Merges actions pending for INS Nos. 1447-91, 1622-94, 1685-95, 1777-96, 1782, 17686, 2002-99, and 2188-02 into INS No. 1799.

See also INS No. 2099-00, RIN 1115-AF95

Agency Contact: Marty Newingham, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7992

RIN: 1115-AG25

1426. PROCEDURES FOR DETAINEE HUNGER STRIKES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; ...

CFR Citation: 8 CFR 241.19

Legal Deadline: None

Abstract: This rule proposes standards and procedures for responding to hunger strikes by individuals detained by the Service. All proposed medical treatments in this regulation conform to accepted medical practice. Also, this rule would supersede the INS Detention Standard on Hunger Strikes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2142-01

Agency Contact: Nik Maravich, Detention and Deportation Officer, Department of Justice, Immigration and Naturalization Service, Room 920, Detention and Deportation Division, Office of Programs, 801 I Street NW., Washington, DC 20536
Phone: 202 514-4099

RIN: 1115-AG26

1427. CONSENT TO REAPPLY FOR ADMISSION AFTER REMOVAL

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 212; 8 CFR 299

Legal Deadline: None

Abstract: This rule proposes to amend the provisions regarding consent to reapply after removal to conform with the requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This rulemaking intends to remove the provisions contained in 8 CFR 212.2(i) relating to a request for consent to reapply in conjunction with an

DOJ—INS

Proposed Rule Stage

application for admission at a port-of-entry or with an application for adjustment of status. The proposed removal of section 212.2(i) reflects the overall scope of the changes made by IIRIRA and congressional intent to impose severe penalties on aliens who enter illegally or otherwise violate the U.S. immigration laws, by restricting the relief available to them in the U.S.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2147-01

Agency Contact: Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG28**1428. WAIVERS OF THE 2-YEAR FOREIGN RESIDENCE REQUIREMENT FOR CERTAIN EXCHANGE VISITORS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 212 and 299**Legal Deadline:** None

Abstract: This rule proposes to amend the Immigration and Naturalization Service (Service) regulations relating to the 2-year foreign residence requirement under section 212(e) of the Immigration and Nationality Act (Act). The proposed changes would conform to the requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), and the Department of Justice Appropriations Act, 2000. The proposed rulemaking would affect aliens who enter the United States as J-1 or J-2 nonimmigrant exchange visitors and who are subject to the requirement of section 212(e) of the Act, which stipulates that they must return to their home country for a period of 2 years before they are

eligible to change to a different nonimmigrant classification or apply for lawful permanent residence in the United States.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment Period End	09/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2158-01

Agency Contact: Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG31**1429. EXTENSION OF THE VALIDITY PERIOD FOR EMPLOYMENT AUTHORIZATION DOCUMENTS FOR ALIENS SEEKING ADJUSTMENT OF STATUS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; ...**CFR Citation:** 8 CFR 247.a12 (c) (9)**Legal Deadline:** None

Abstract: This rule proposes to amend the Immigration and Naturalization Service (Service) regulations by enabling the INS to issue Employment Authorization Documents (EADs) for those applying for work authorization under 8 CFR 274a.12(c) (9) for a validity period of up to 2 years. This category is reserved for those applying for adjustment of status, having filed Form I-485, Application to Register Permanent Residence or Adjust Status with the Service. The rule change would give INS the flexibility to issue EADs for the length of time it anticipates that adjudication of a given case will take.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
NPRM Comment Period End	07/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2152-01

Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG32**1430. ILLEGAL ENTRIES, UNLAWFUL PRESENCE, AND AUTOMATIC VOIDING OF NONIMMIGRANT VISAS****Priority:** Other Significant**Legal Authority:** 5 USC 552; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; ...**CFR Citation:** 8 CFR 103; 8 CFR 212; ; 8 CFR 299**Legal Deadline:** None

Abstract: This proposed rule defines the categories of aliens who are not eligible to be issued a visa or be admitted if: they are in the U.S. illegally because they entered without proper inspection at a port-of-entry (section 212(a)(6)(A) of the Act); they accumulated certain periods of unlawful presence because they entered the U.S. illegally or stayed in the U.S. longer than authorized (section 212(a)(9)(B) of the Act); or they entered the U.S. illegally (or attempted an illegal entry) after they accumulated unlawful presence or after they were removed (section 212(a)(9)(C) of the Act). This proposed rule also describes how a nonimmigrant visa becomes automatically void, as provided under section 222(g) of the Act. This proposed rule also explains when the provisions for unlawful presence (sections 212(a)(9)(B) and (C) of the Act) do not apply, and the legal and documentary requirements for a waiver. Promulgation of this rule ensures that the admission to the U.S. of any ineligible alien would not adversely affect the national welfare, safety, or security of the U.S.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	

DOJ—INS

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Split out of INS No. 1413 to move forward as a stand-alone rule.

Related RIN 1115-AB45, "Revised Grounds of Inadmissibility, Waivers for Immigrants and Nonimmigrants, and Exceptions."

Agency Contact: Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG36

1431. MEDICAL EXAMINATION REQUIREMENTS AND DESIGNATION OF CIVIL SURGEONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1222; ...

CFR Citation: 8 CFR parts 103, 232, and 299

Legal Deadline: None

Abstract: This proposed rule defines the medical examination requirements for arriving aliens. It also overhauls the civil surgeon program to create standards for designation, procedures for periodic review of the civil surgeon designation, and specific provisions for revocation, when necessary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Split out of INS No. 1413 to move forward as a stand-alone rule.

Related RIN 1115-AB45, "Revised Grounds of Inadmissibility, Waivers for Immigrants and Nonimmigrants, and Exceptions."

Agency Contact: Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG37

1432. MEDICAL GROUNDS OF INADMISSIBILITY AND WAIVERS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1157; ...

CFR Citation: 8 CFR parts 103, 212, and 299.

Legal Deadline: None

Abstract: This proposed rule describes the medical grounds of inadmissibility under section 212(a)(1) of the Immigration and Nationality Act (Act). It also describes which medical grounds of inadmissibility can be waived and the requirements for those waivers (including conditions for compliance).

Timetable:

Action	Date	FR Cite
NPRM	10/00/02	
NPRM Comment Period End	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: Split out of INS No. 1413 to move forward as a stand-alone rule.

Agency Contact: Sophia Cox, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service,

Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

Kevin J. Cummings, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG38

1433. NEW CLASSIFICATION FOR VICTIMS OF CERTAIN CRIMINAL ACTIVITY; ELIGIBILITY FOR THE U NONIMMIGRANT STATUS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1101 note; 8 USC 1102; ...

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 212; 8 CFR 214; 8 CFR 299

Legal Deadline: None

Abstract: This rule sets forth application requirements for a new nonimmigrant status. The U classification is for non-United States Citizen/Lawful Permanent Resident victims of certain crimes who cooperate with an investigation or prosecution of those crimes. There is a limit of 10,000 principals per year.

This rule establishes the procedures to be followed in order to petition for the U nonimmigrant classifications. Specifically, the rule addresses: the essential elements that must be demonstrated to receive the nonimmigrant classification; procedures that must be followed to make an application; and evidentiary guidance to assist in the petitioning process. Eligible victims will be allowed to remain in the United States.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal, State, Local

Agency Contact: Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

DOJ—INS

Proposed Rule Stage

Phone: 202 616-7440

RIN: 1115-AG39

1434. • LIMITING THE PERIOD OF ADMISSION FOR B NONIMMIGRANT ALIENS**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1101; 8 USC 1101 note; 8 USC 1102; 8 USC 1103; 8 USC 1182; ...**CFR Citation:** 8 CFR 214; 8 CFR 235; 8 CFR 248**Legal Deadline:** None**Abstract:** This rule eliminates the minimum admission period of a B-2 visitor for pleasure, reducing the maximum admission period of B-1 and B-2 visitors from 1 year to 6 months, and establishing greater control over a B visitor's ability to extend the status or to change status to that of a nonimmigrant student. These changes will enhance the Service's authority under sections 214(a) and 248 of the Immigration and Nationality Act (Act) and will help lessen the probability that alien visitors will establish permanent ties in the United States and thus remain in the country illegally.**Timetable:**

Action	Date	FR Cite
NPRM	04/12/02	67 FR 18065
NPRM Comment Period End	05/13/02	
Final Action	07/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 2176-01**Agency Contact:** Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7867
Fax: 202 514-0198
Email: craig.s.howie@usdoj.gov

RIN: 1115-AG43

1435. • ESTABLISHMENT OF A \$3 IMMIGRATION USER FEE FOR CERTAIN COMMERCIAL VESSEL PASSENGERS PREVIOUSLY EXEMPT**Priority:** Other Significant. Major under 5 USC 801.**Legal Authority:** 8 USC 1356; PL 107-77**CFR Citation:** 8 CFR 286**Legal Deadline:** None**Abstract:** The rule removes the current exemption for cruise ship passengers whose journeys originated in Canada, Mexico, a territory or possession of the United States and adjacent islands and will allow the Immigration and Naturalization Service to collect a \$3 fee for passengers, according to the Department of Justice Appropriation Act (Public Law 107-77), dated November 28, 2001. Also, the regulations will be modified to exempt passengers of Great Lakes International ferries or vessels on the Great Lakes or connecting waterways when they operate on a regular schedule. This fee will be used to pay for inspection services and other related activities.**Timetable:**

Action	Date	FR Cite
NPRM	04/03/02	67 FR 15753
NPRM Comment Period End	05/03/02	
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2180-01**Agency Contact:** Georgia Mayers, Chief of Cash Management, Department of Justice, Immigration and Naturalization Service, Room 6034, 425 I Street NW, Washington, DC 20536
Phone: 202 305-1200
Email: georgia.a.mayers@usdoj.govJennifer Beasley, Budget Analyst, Department of Justice, Immigration and Naturalization Service, Room 5236, 425 I Street NW, Washington, DC 20536
Phone: 202 514-8294
Email: jennifer.beasley@usdoj.gov

RIN: 1115-AG47

1436. • JUDICIAL REVIEW OF THE DECISIONS OF THE IMMIGRATION AND NATURALIZATION SERVICE**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552; 5 USC 552(a); 5 USC 704; 8 USC 1101; 8 USC 1103; ...**CFR Citation:** 8 CFR 103**Legal Deadline:** None**Abstract:** This rule proposes to amend the Immigration and Naturalization Service (Service) regulations to clarify that, if the Administrative Procedure Act (APA) provides the authority for judicial review, a person must exhaust all administrative appeals available as a matter of right before the person may seek judicial review of a Service decision under the Immigration and Nationality Act (Act) that is within the appellate jurisdiction of the Board of Immigration Appeals or of the Associate Commissioner for Examinations. This amendment is necessary to prevent the filing of premature lawsuits, by ensuring that the proper administrative appellate authority has the opportunity to review and correct any errors in the original decision before the party may seek judicial review.**Timetable:**

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1785-96.

1115-AE46 was the old RIN assigned to this rule when it was final; it then changed to a proposed rule.

Agency Contact: Janice B. Podolny, Associate General, Chief Examinations Division, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2895

RIN: 1115-AG49

DOJ—INS

Proposed Rule Stage

1437. • REVISION OF THE REGULATIONS CONCERNING F, J, AND M NONIMMIGRANT CLASSIFICATIONS**Priority:** Other Significant**Legal Authority:** 5 USC 552, 552(a); 8 USC 1101, 1103, 1201, 1252 note, 1252(b), 1304, 1356; 31 USC 9701; EO 12356; 8 USC part 2; ...**CFR Citation:** 8 CFR 103; 8 CFR 214**Legal Deadline:** None

Abstract: This rule proposes to amend the Immigration and Naturalization Service (Service) regulations governing the retention and reporting of information about F, J, and M nonimmigrants. This rule will implement the Student Visitor Information System (SEVIS), and establish a process for electronic reporting by designated school officials of information required by the Service. This is needed to improve and streamline the reporting and recording of F, J, and M nonimmigrants.

Timetable:

Action	Date	FR Cite
NPRM	05/00/02	
Final Rule	07/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: INS No. 2185-02 (See also RIN 1115-AF56, INS No. 1991-99 which amends Service regulations to establish a fee for F, J, and M nonimmigrants.)

Agency Contact: Maura Deadrick, Adjudications Officer, Adjudication Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 353-8177

RIN: 1115-AG55**1438. • LIMITING THE NUMBER OF TRANSIT WITHOUT VISA (TWOV) STOPS IN THE UNITED STATES TO ONE****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101, 1103, 1182, 1184, 1186a, 1187, 1221, 1281, 1282**CFR Citation:** 8 CFR 214.2 (c)**Legal Deadline:** None

Abstract: The Office of Inspector General (OIG) recently completed a follow-up review of the Immigration and Naturalization Service's (Service) efforts to improve security of the Transit Without Visa (TWOV) program. The OIG report found that several security concerns described in the original 1993 report continue to exist, specifically 1) the continued allowance for TWOV passengers to make two stops in the United States, with the second stop being a domestic arrival; and 2) lack of carrier standards and accountability for supervising TWOV passengers waiting for their connecting flights in public, domestic areas. This proposed rule informs the public that the Service intends to amend its regulations by limiting the number of transit stops in the United States for TWOV passengers to one stop. These TWOV program modifications will enhance U.S. national security while still providing the traveling public TWOV privileges.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment	11/00/02	
Period End		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7499
Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AG59**1439. • ADDRESS NOTIFICATION TO BE FILED WITH DESIGNATED APPLICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1304; ...**CFR Citation:** 8 CFR 103; 8 CFR 299**Legal Deadline:** None

Abstract: The Board of Immigration Appeals' decision in Matter of G-Y-R-23 I&N Dec. 181 (BIA 2001) focused on the issue of constructive notice of the initiation of removal proceedings in a case where the INS knew that the subject alien did not actually receive the Notice to Appear (Form I-862) because it was returned by the Postal Service as undeliverable. In that circumstance, the Board held that an in absentia order or removal is inappropriate, because the record reflected that the alien did not actually receive, and could not be charged with receiving the Notice to Appear informing the alien of the statutory address obligations associated with removal proceedings and of the consequences of failing to provide a current address.

This rule will provide a mechanism for the Service to provide notice to aliens of their legal obligations to provide a current address to the Attorney General within 10 days of a change of address, and for the aliens to acknowledge that they have received this notification in amended INS benefit request forms.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment	09/00/02	
Period End		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None

Additional Information: INS No. 2198-02

Agency Contact: Barry O'Melinn, Chief, Appellate Counsel, Department of Justice, Immigration and Naturalization Service, 200, 5113 Leesburg Pike, Falls Church, VA 22041
Phone: 703 756-6257

RIN: 1115-AG61

Department of Justice (DOJ)
Immigration and Naturalization Service (INS)

Final Rule Stage

1440. REDUCTION OF THE NUMBER OF ACCEPTABLE DOCUMENTS AND OTHER CHANGES TO EMPLOYMENT VERIFICATION REQUIREMENTS (SECTION 610 REVIEW)

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 8 USC 1324a; PL 104-208

CFR Citation: 8 CFR 274a

Legal Deadline: Final, Statutory, March 31, 1998, An interim rule, published September 30, 1997, makes the minimal changes required by statute. The provisions will remain in effect until completion of this rulemaking.

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Section 412(a) of IIRIRA requires a reduction in the number of documents that may be accepted in the employment verification process. Section 412(d) clarifies the applicability of section 274A to the Federal Government. Section 610 of the Regulatory Flexibility Act requires agencies to review rules that have a significant economic impact on a substantial number of small entities every 10 years. The Service is conducting this review in conjunction with IIRIRA implementation. The proposed rulemaking published 2/12/98 implements sections 212(a) and (d) of IIRIRA and proposes other changes to the employment verification process identified through that review. A revised Form I-9 was included with the proposed rulemaking.

The comment period closed on 4/3/98. The Service is analyzing the comments and taking into consideration issues raised by the Alien Registration (MD) (I-551) program. It should be noted that this action supersedes the previously published regulatory plan titled "Reduction in the Number of Documents Accepted for Employment Verification." In order to avoid confusion, this regulatory action is being referenced under the current RIN, which captures all prior actions related to employment verification.

INS No. 1947-98, Interim Rule published 2/9/99 (64 FR 6187). The "Receipt Rule" permits employees to present their employer certain types of "receipts" in lieu of a document listed on the Form I-9. (Previously under RIN 1115-AE94, which was withdrawn and

placed under AB73 due to the relationship of the regulations.)

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1399 Comment Period End 12/23/93	11/23/93	58 FR 61846
NPRM-INS No. 1339S Comment Period End 07/24/95	06/22/95	60 FR 32472
Notice-INS No. 1713 INS No. 1713 Applications Due 01/29/96	11/30/95	60 FR 61630
Appl. Extension Through 3/8/96 Notice Pilot Demonstration Program-INS No. 1713	02/06/96	61 FR 4378
Final Rule-INS No. 1399E	09/04/96	61 FR 46534
Interim Final Rule INS No. 1818	09/30/97	62 FR 51001
NPRM-INS No. 1890- 97 Comment Period End 04/03/98	02/02/98	63 FR 5287
Final Rule INS No. 1890-97	12/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Tribal, Federal

Additional Information: The deadline for implementing section 412(a) of IIRIRA was extended to March 31, 1998, by Public Law 105-54. This rulemaking has been delayed by the need to coordinate implementation with other provisions of IIRIRA, by several complex policy and regulatory issues that have taken time to resolve, and by the review required by section 610 of the Regulatory Flexibility Act. INS No. 1890-97; PL 104-208, title 4. INS Nos. 1399 and 1399S-94, Control of Employment of Aliens, Supplemental Rule; Action for INS Nos. 1399 and 1399S is canceled as a result of IIRIRA requirements.

INS No. 1399E is an extracted portion of INS No. 1399, published separately to allow for the production of a new, more secure Employment Authorization Document.

INS No. 1713-95, Demonstration Project for Electronic I-9s, contact Bob Reed, (202) 514-2998.

Interim Rule INS No. 1818 was published on 9/30/97 at 62 FR 51001 to maintain the status quo as much as possible until the Service completes the more comprehensive document reduction initiative designated by INS No. 1890-97.

Agency Contact: Felica Colvin, Director, Business Liaison Branch, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536
Phone: 202 305-2529
Fax: 202 305-2523

RIN: 1115-AB73

1441. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE: CONDITIONAL RESIDENTS AND FIANC(E)S

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1257; 8 CFR 2

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: This rule clarifies procedures for fiance(e)s who marry after the 90-day period of fiance(e) admission has ended and also clarifies that persons who have had conditional residence terminated are not eligible to adjust status.

Timetable:

Action	Date	FR Cite
NPRM	08/20/96	61 FR 43028
NPRM Comment Period End	10/21/96	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 1353-91

Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AC70

1442. NONIMMIGRANT CLASSES; S CLASSIFICATION; LAW ENFORCEMENT INITIATIVES; ALIEN WITNESSES

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1324a; 8 CFR 2; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299; 8 CFR 103

Legal Deadline: None

Abstract: Two regulatory initiatives dealing with the processing of alien witnesses have been prepared by the INS. INS No. 1683-94 provides the application and approval process for the admission of aliens in S nonimmigrant classification. It provides guidance to the various law enforcement agencies needing alien witnesses and informants to complete critical law enforcement initiatives in the United States. INS No. 1728-95 establishes a fee for the processing of Form I-854, Inter-Agency Alien Witness and Informant Record, for Law Enforcement Agency (LEA) requests for S nonimmigrant classification for eligible alien witnesses and informants. The fee recovers the costs of the processing of requests for immigration benefits and is needed to comply with specific Federal immigration laws and Federal user fee statute and regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1683 Eff. 8/25/95; Comment Period End 12/4/95	08/25/95	60 FR 44260
Interim Final Rule-INS No. 1683 Correction	10/05/95	60 FR 52068
Interim Final Rule-INS No. 1683 Correction	10/05/95	60 FR 52248
Final Action-INS No.1683	05/00/02	
NPRM-INS No. 1728	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal, Federal

Additional Information: INS No. 1683-94; and INS No. 1728-95.

Agency Contact: Gregory S. Bednarz, Deputy Assistant Commissioner, Investigations, Department of Justice,

Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536
Phone: 202 633-2997

RIN: 1115-AD86

1443. ESTABLISHING CRITERIA FOR DETERMINING COUNTRIES WHOSE CITIZENS ARE INELIGIBLE FOR THE TRANSIT WITHOUT VISA (TWOV) PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 CFR 2; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1252; 8 USC 1221; 8 USC 1229

CFR Citation: 8 CFR 212; 8 CFR 234.2

Legal Deadline: None

Abstract: This rule proposes to amend Service regulations by removing the list of those countries that are ineligible to participate in the TWOV program from the regulation. In its place the Service proposes to publish and update the list of countries that are ineligible to participate in the TWOV program by Federal Register notice. This rule also sets forth a non-exhaustive list of factors that may be considered in determining those countries whose citizens or nationals are ineligible countries and provides for a regular review of all countries to determine their eligibility for participation in the TWOV program. The TWOV program allows the Service, acting jointly with the Department of State, to waive the passport and visa requirement for aliens from certain countries who request immediate and continuous transit privileges through the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/05/01	66 FR 1053
NPRM Comment Period End	03/05/01	
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 1696-95

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service,

Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7499
Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AD96

1444. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR AS A PREFERENCE IMMIGRANT; SELF-PETITIONING FOR CERTAIN BATTERED OR ABUSED ALIEN SPOUSES AND CHILDREN

Priority: Other Significant

Legal Authority: 8 USC 1101; PL 103-322; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: The INS intends to finalize the interim rule published on 3/26/1996. This final rule allows battered and abused spouses and children of United States citizens and lawful permanent residents to petition for immigrant classification. The consent of the abuser would not be required. The final rule uses the term abused to mean either battered or subjected to extreme cruelty.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/26/96	61 FR 13061
Interim Final Rule Effective	03/26/96	
Interim Final Rule Comment Period End	05/28/96	
Final Rule	07/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: INS No. 1705-95, See RIN 1115-AB73

Agency Contact: Laura J. Dawkins, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 307-4754
Email: laura.dawkins@usdoj.gov

RIN: 1115-AE04

DOJ—INS

Final Rule Stage

1445. CONDITIONS ON NONIMMIGRANT STATUS; DISCLOSURE OF INFORMATION**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186A; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282**CFR Citation:** 8 CFR 214**Legal Deadline:** None

Abstract: This rule removes the current regulatory language conditioning an alien's nonimmigrant status on his or her providing full and truthful information requested by the INS, regardless of the requested information's materiality. This rule would clarify that the nonimmigrant's stay is conditioned on, among other things, the provision of all information deemed necessary to ensure that the alien has acquired, and is maintaining, lawful nonimmigrant status during the entire period of his or her stay, or is eligible to receive any other benefit under the INA.

Timetable:

Action	Date	FR Cite
NPRM	06/14/96	61 FR 30188
NPRM Comment Period End	08/13/96	
Final Action	05/00/02	
Final Action (Comment Period Ends)	06/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1732-95

Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AE17**1446. EMPLOYER SANCTIONS MODIFICATIONS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 CFR 2**CFR Citation:** 8 CFR 274a**Legal Deadline:** None

Abstract: The Service is considering further changes to streamline the verification and enforcement process requirements related to the Employer Sanctions provisions of the Immigration Reform and Control Act.

INS No. 1738 will allow INS to issue and serve a Warning Notice upon an alleged violator after the INS has determined that a person or entity has violated section 274a of the Act. This rule will also allow interested parties to electronically generate blank copies of the Employment Eligibility Verification Form (Form I-9).

Comments from the public were received in response to the publication of the interim rule. The response to the comments and the writing of the final rule are currently on hold.

On September 30, 1996, IIRIRA was enacted. Section 411(a) of IIRIRA allows employers who have made a good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures before such failures are deemed to be violations of the I&NA. INS issued a proposed rule on April 7, 1998, INS No. 1819, to implement this provision and is in the process of preparing a final rule. Because the issuance of Warning Notices requires that violation determinations be made, it is being examined in conjunction with INS No. 1819 in light of section 411(a) of IIRIRA. The anticipated publication date of a final rule will not be determined until issues regarding implementation of section 411(a) of IIRIRA are resolved.

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1738	10/07/96	61 FR 52235
Correction (Interim Final Rule)	10/29/96	61 FR 55840
Interim Final Rule Comment Period End	11/06/96	
Final Rule	12/00/02	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** Federal**Additional Information:** INS Nos. 1737 and 1738.

Agency Contact: Angelo Sorrento, Special Agent, Investigations Enforcement, Office Field of Operations, Department of Justice,

Immigration and Naturalization Service, Room 1000, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7487

RIN: 1115-AE21**1447. INSPECTION AND EXPEDITED REMOVAL OF ALIENS; DETENTION AND REMOVAL OF ALIENS; CONDUCT OF REMOVAL PROCEEDINGS****Priority:** Other Significant**Legal Authority:** 5 USC 301; 8 USC 1182; 8 USC 1183; 8 USC 1184; 8 USC 1185; 8 USC 1186a; 8 USC 1187; 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1154; 8 USC 1181**CFR Citation:** 8 CFR 1; 8 CFR 213; 8 CFR 214; 8 CFR 216; 8 CFR 217; 8 CFR 221; 8 CFR 223; 8 CFR 3; 8 CFR 103; 8 CFR 204; 8 CFR 207; 8 CFR 209; 8 CFR 211; 8 CFR 212; ...**Legal Deadline:** Other, Statutory, March 1, 1997, The statute requires the Attorney General to promulgate implementing regulations by March 1, 1997.

Abstract: Many of the provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) became effective April 1, 1997. Some provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) that were not superseded by IIRIRA became effective November 1, 1996. On March 6, 1997, INS and EOIR published an interim rule revising the asylum process; providing a mechanism for the determination and review of certain applicants who demonstrate a credible fear of persecution if returned to their own country; defining the inspection and admission process including new expedited removal procedures for aliens attempting to enter the United States through fraud or misrepresentation by apprehension, detention, and removal of aliens; addressing conduct of removal proceedings; and revising many other sections of the regulations to conform with the new laws. On December 6, 2000, INS published the rule "Asylum Procedures" (INS No. 1865-97; RIN 1115-AE93) which finalized the asylum portions of this interim rule. INS still intends to publish a final rule under RIN 1115-AE47 to finalize the portions of this rulemaking relating to inspection and expedited removal of aliens, detention and deportation and

DOJ—INS

Final Rule Stage

removal of aliens, and the conduct of removal proceedings.

Timetable:

Action	Date	FR Cite
Final Action-INS No. 1669-94	03/22/96	61 FR 11717
NPRM-INS No. 1788-96 Comment Period End 2/3/97	01/03/97	62 FR 444
Interim Final Rule-INS No. 1788-96 Comment Period End 7/15/97	03/06/97	62 FR 10312
Interim Final Rule Correction (Effective 04/01/97)	04/01/97	62 FR 15362
Interim Final Rule-INS No. 1788-96 Correction	04/09/97	62 FR 17048
Final Rule-INS No. 1920-98	07/22/98	63 FR 39217
Final Action INS No. 1788-96	01/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1788-96 (Final Action)

CFR CITATIONS CONT: 8 CFR 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 248, 251, 252, 253, 274a, 286, 287, 292, 299, 316, 318, and 329.

LEGAL AUTHORITY CONT: 8 USC 1186b, 1187, 1201, 1203, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1251, 1252, 1252 note, 1252a, 1252b, 1253, 1254, 1254a note, 1255, 1256, 1258, 1259, 1281, 1282, 1304, 1324a, 1330, 1356, 1357, 1362, 1429, 1440, 1443, 1447; 28 USC 509, 510, 1746; 31 USC 9701; 3 CFR, 1982 Comp, p 166; 8 CFR part 2.

INS Rule No. 1920-98 makes a correction to the services regulations that govern the documentary requirements for immigrants and corresponding waivers. This rule relates to changes promulgated by INS 1169-94 and INS No. 1788-96.

INS Rule No. 1865-97, AG Order No. 2340-2000, Final Rule, Asylum Procedures published on December 6, 2000, at 65 FR 76121, amended portions of the title III IIRIRA governing cases in which an applicant has established past persecution or in which an applicant may be able to avoid persecution in a particular country by relocating to another area of that country.

Agency Contact: Linda Loveless, Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536 Phone: 202 616-7489

Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041 Phone: 703 305-0470

RIN: 1115-AE47

1448. AGREEMENT PROMISING NON-DEPORTATION OR OTHER IMMIGRATION BENEFITS

Priority: Other Significant

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 28 USC 515; 28 USC 516; 28 USC 517; 28 USC 518; 28 USC 519

CFR Citation: 28 CFR 0.197

Legal Deadline: None

Abstract: This final rule requires Federal prosecutors, law enforcement agencies, and other officials to obtain written consent from the Immigration and Naturalization Service when entering into a plea agreement, cooperation agreement, or similar agreement promising an alien favorable treatment by the Service. This rule ensures that favorable treatment under the immigration laws is extended only after a full consideration of its effect on overall immigration enforcement, alleviates confusion over the authority to enforce the immigration laws, and prevents the Service from being bound by agreements undertaken without its knowledge and approval. The rule codifies a long-standing position of the Department of Justice.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/13/96	61 FR 48405
Interim Final Rule Comment Period End	11/12/96	
Final Action	10/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1791-96

Agency Contact: Joan S. Lieberman, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536 Phone: 202 514-2895

RIN: 1115-AE50

1449. DEFINITION OF THE TERM "LAWFULLY PRESENT" FOR PURPOSES OF ELIGIBILITY FOR PUBLIC BENEFITS

Priority: Other Significant

Legal Authority: 5 USC 552; 31 USC 9701; EO 12356; 47 FR 14874 to 15557; 3 CFR 1982 comp; 8 CFR 2; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252B; 8 USC 1304; 8 USC 1356

CFR Citation: 8 CFR 103

Legal Deadline: None

Abstract: Section 401(a) of the Personal Responsibility and Work Reconciliation Act of 1996 (PRWORA) provides that, with limited exceptions, only qualified aliens, as defined under section 431, may receive certain Federal public benefits. Section 401(b)(2) provides an exception which allows aliens who are "lawfully present in the United States" as determined by the Attorney General to receive social security benefits under title II of the Social Security Act. PRWORA, and other laws, use the term "lawfully present" in other benefit-related contexts as well.

The interim final rule published September 6, 1996, amended the Immigration and Naturalization Service (Service) regulations to define the term "an alien who is lawfully present in the United States" so that the Social Security Administration may determine which aliens are eligible for benefits under title II of the Social Security Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/06/96	61 FR 47039
Interim Final Rule Comment Period End	11/05/96	
Final Action	10/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Federal

Additional Information: INS No. 1792-96

DOJ—INS

Final Rule Stage

Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AE51

1450. AFFIDAVIT OF SUPPORT ON BEHALF OF IMMIGRANTS

Priority: Other Significant

Legal Authority: 8 USC 1183a; PL 104-208; PL 104-193; 8 CFR 2

CFR Citation: 8 CFR 213a; 8 CFR 299

Legal Deadline: None

Abstract: This rule amends the INS regulations by establishing that an individual (the sponsor) who files an affidavit of support under section 213A of the Immigration and Nationality Act (INA) on behalf of an intending immigrant incurs an obligation that may be enforced by a civil action. This rule also specifies the requirements that Federal, State, or local agencies or private entities must meet to request reimbursement from the sponsor for provision of means-tested public benefits and provides procedures for imposing the civil penalty provided for under section 213A of the INA, if the sponsor fails to give notice of any change of address. This rule is necessary to ensure that sponsors of aliens meet their obligations under section 213A of the INA.

Timetable:

Action	Date	FR Cite
Interim Final Rule - INS No. 1807-96; Comment Period End 02/7/98	10/20/97	62 FR 52346
Final Rule	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1807-96; PL 104-208, title IV; and PL 104-193, title IV

Agency Contact: Lisa Roney, Policy Analyst, Office of Policy and Planning, Department of Justice, Immigration and Naturalization Service, Room 6052, 425 I Street NW, Washington, DC 20536
Phone: 202 514-3242

Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AE58

1451. SUSPENSION OF PRIVILEGE TO TRANSPORT ALIENS TO THE UNITED STATES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227

CFR Citation: 8 CFR 103; 8 CFR 273

Legal Deadline: None

Abstract: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) added a provision to the Immigration and Nationality Act that allows INS to suspend a commercial airline's privilege to transport aliens to the United States if the carrier has a record of bringing in aliens who have fraudulent documents. After consultation with other interested Government agencies, INS is proposing to implement appropriate standards and procedures governing the use of this power to suspend a carrier's privilege to transport aliens to the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/23/98	63 FR 56869
NPRM Comment Period End	12/22/98	
Final Rule	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Additional Information: This rule required coordination with several other Government agencies. INS No. 1809-96.

Agency Contact: Una Brien, Director, National Fines Office, Inspections Division, Field Operations, Department of Justice, Immigration and Naturalization Service, Suite 425, 1525 Wilson Boulevard, Arlington, VA 22209
Phone: 202 305-7018

RIN: 1115-AE59

1452. LIMITING LIABILITY FOR CERTAIN TECHNICAL AND PROCEDURAL VIOLATIONS OF PAPERWORK REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1324a; PL 104-208

CFR Citation: 8 CFR 274a

Legal Deadline: None

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). This rule will implement section 411 of IIRIRA which allows employers that have made a good faith attempt to comply with a particular employment verification requirement to correct technical or procedural failures to meet the requirement before such failures are deemed to be violations of the Act. This rule will explain the good faith rule, define the term technical or procedural failure to meet such requirement, and explain how an employer can correct technical or procedural failures.

Timetable:

Action	Date	FR Cite
NPRM	04/07/98	63 FR 16909
NPRM Comment Period End	06/08/98	
Final Rule	01/00/03	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Additional Information: INS No. 1819-96 and Public Law 104-208, title IV.

Agency Contact: Marguerite Przybyski Kleczek, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2895

RIN: 1115-AE70

1453. IMPLEMENTATION OF HERNANDEZ V. RENO SETTLEMENT AGREEMENT; CERTAIN ALIENS ELIGIBLE FOR FAMILY UNITY BENEFITS AFTER SPONSORING FAMILY MEMBER'S NATURALIZATION

Priority: Other Significant

Legal Authority: 8 USC 1225a note; PL 104-208

CFR Citation: 8 CFR 236.23

Legal Deadline: None

DOJ—INS

Final Rule Stage

Abstract: On September 30, 1996, the President signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The INS will publish a regulation implementing a new basis of ineligibility for Family Unity benefits for certain juvenile offenders.

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1823-96	07/14/00	65 FR 43677
Interim Final Rule Comment Period End	09/12/00	
Final Rule	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1823-96; PL 104-208, title III, section 38; and this regulation will affect 8 CFR 242.5 that will be renumbered 8 CFR 236.25.

Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AE72

1454. REGULATIONS PERTAINING TO BATTERED ALIENS AND TO MAIL ORDER BRIDE BUSINESSES, AS MANDATED BY IIRIRA

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1641(c); PL 104-208

CFR Citation: 8 CFR 204

Legal Deadline: None

Abstract: The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) included a number of provisions relating to battered aliens and to mail order bride businesses. The INS anticipates rulemaking in the following areas:

INS document No. 1845-97 is necessitated by section 501 of IIRIRA, which provides certain types of public benefits for those aliens who have made a prima facie case for eligibility pursuant to the INS interim rule on self-petitions by battered aliens, published at 61 FR 13061 (March 26, 1995; INS No. 1705-95). This new rule will define what constitutes a prima facie case.

INS document No. 1838-97, an advance notice of proposed rulemaking, is to solicit public input into the regulation of certain functions of the international matchmaking industry (also referred to as "mail order bride businesses"), as required by section 652 of IIRIRA, was published on 7/16/97 (62 FR 38041).

Timetable:

Action	Date	FR Cite
ANPRM-INS No. 1838-97 Comments Due 09/15/97	07/16/97	62 FR 38041
Interim Final Rule-INS No. 1845-97	11/13/97	62 FR 60769
Interim Final Rule Comment Period End-INS 1845-97	01/12/98	
Final Action (INS 1845)	12/00/02	
NPRM (INS No. 1838)	01/00/03	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1838-97. The Service submitted its report on international matchmaking organizations which can be found on the INS web site. The Service is currently preparing the informational brochures which the organizations will be required to provide to women recruits.

Agency Contact: Laura J. Dawkins, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 307-4754
Email: laura.dawkins@usdoj.gov

RIN: 1115-AE77

1455. ESTABLISHMENT OF PREINSPECTED AUTOMATED LANE (PAL) PROGRAM AT IMMIGRATION AND NATURALIZATION SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; 8 USC 1252; 8 USC 1357; 8 CFR 2

CFR Citation: 8 CFR 287; 8 CFR 299

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service regulations by establishing a Preinspected Automated Lane (PAL)

Program for the use of eligible persons and vehicles at immigration checkpoints within the United States. This rule will facilitate the passage of people and vehicles through INS checkpoints while safeguarding the integrity of law enforcement objectives at the checkpoints.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Request for Comments by 06/17/97	04/18/97	62 FR 19024
Final Rule	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1830-97

Agency Contact: Rudolph J. Miranda, Chief Patrol Agent, Department of Justice, Immigration and Naturalization Service, Room 4226, 425 I Street, NW, Washington, DC 20536
Phone: 202 514-3072

RIN: 1115-AE80

1456. EARLY RELEASE FOR REMOVAL OF CRIMINAL ALIENS IN STATE CUSTODY FOR NONVIOLENT OFFENSES

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1251; 8 USC 1253; 8 USC 1255; 8 USC 1330; 8 CFR 2

CFR Citation: 8 CFR 241

Legal Deadline: None

Abstract: The final rule will amend the INS regulations relating to the apprehension and removal of aliens under section 241 of the Immigration and Nationality Act (Act). This regulatory action establishes an administrative process whereby criminal aliens in State custody convicted of nonviolent offenses may be removed prior to completion of their sentence of imprisonment. The rule will implement the authority contemplated by Congress to enhance the ability of the United States to remove criminal aliens.

DOJ—INS

Final Rule Stage

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1848-97	07/12/99	64 FR 37461
NPRM Comment Period End	09/10/99	
Final Action-INS No. 1848-97	05/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** State, Federal**Additional Information:** INS No.1848-97

Agency Contact: Joan S. Lieberman, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2895

Ron Dodson, Supervisory Special Agent, Headquarters Investigations, Department of Justice, Immigration and Naturalization Service, Room 1000, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7310

RIN: 1115-AE83**1457. AMENDMENT OF THE REGULATORY DEFINITION OF ARRIVING ALIEN****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 CFR 2**CFR Citation:** 8 CFR 1**Legal Deadline:** None

Abstract: This rule amends the INS regulations by changing the regulatory definition of an arriving alien. Under section 235(b)(1)(A)(i) of the Immigration and Nationality Act (Act), which was effective on April 1, 1997, certain arriving aliens are subject to expedited removal procedures. The existing regulatory definition of arriving aliens includes parolees. As a matter of policy, the Department has decided that it is appropriate to exempt from the new expedited removal procedures aliens who were paroled into the United States before April 1997. This rule clarifies that these aliens as well as certain other aliens who were paroled into the United States pursuant to advance parole, will not be subjected to expedited removal upon termination at parole. The rule also makes several

changes in the ordering of 1.1(q) to use language that is clearer and more consistent with the wording of the statute.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/98	63 FR 19382
Interim Final Rule Comment Period End	06/19/98	
Final Rule	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Re: INS No. 1868-97

Agency Contact: Frances De Choudens, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 353-0591

RIN: 1115-AE87**1458. ADJUSTMENT OF STATUS, CONTINUED VALIDITY OF NONIMMIGRANT STATUS AND UNEXPIRED EMPLOYMENT AUTHORIZATION FOR APPLICANTS MAINTAINING NONIMMIGRANT H OR L STATUS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1282; 8 CFR 2; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1255; 8 USC 1281**CFR Citation:** 8 CFR 214; 8 CFR 245**Legal Deadline:** None

Abstract: Over the last several years, the Service has issued numerous policy statements regarding its position on employment authorization, advance parole, and extension of nonimmigrant status for certain skilled nonimmigrant workers who have filed for adjustment to permanent resident status. This rulemaking intends to: (1) Codify existing Service policy statements by incorporating them into the Service's regulations and (2) eliminate the requirement for service permission for overseas travel for adjustment applicants who are maintaining H-1 or L nonimmigrant status.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/99	64 FR 29208
Interim Final Rule Comment Period End	08/02/99	
Final Rule	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 1881-97

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2763

Email: michael.valverde@justice.usdoj.gov

RIN: 1115-AE96**1459. VERIFICATION OF ELIGIBILITY FOR PUBLIC BENEFITS****Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1642**CFR Citation:** 8 CFR 104**Legal Deadline:** NPRM, Statutory, November 3, 1997.

Final, Statutory, February 22, 1998, Statutory deadline to promulgate regulations for State and local public benefits was previously 11/03/98. Deadline for regulations for Federal public benefits was 02/22/98.

Abstract: This regulatory action requires entities (other than nonprofit charitable organizations) providing Federal public benefits (with certain exceptions) to verify by examining documents and using an INS automated verification system that alien applicants are eligible for the benefits under Federal benefit reform legislation. This rule also sets forth provisions by which State or local governments can verify whether aliens applying for State or local public benefits are eligible for such benefits under Federal laws. In addition, the rule establishes procedures for verifying the U.S. nationality of individuals applying for benefits in a fair and nondiscriminatory manner.

The Interim Verification Guidelines were published as a notice on 11/17/97

DOJ—INS

Final Rule Stage

at 62 FR 61344. The guidelines set forth procedures that benefit-granting agencies can use to verify U.S. citizens, non-citizen nationals, and qualified aliens for eligibility under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) prior to issuance of final regulations.

The proposed rule for the Verification of Eligibility for Public Benefits was published on 8/04/98 at 63 FR 41662. The changes made in response to the comments received on the proposed rule were significant enough and dealt with complex and important issues that another opportunity to comment is warranted. The next version of the rule will be issued as an interim rule, rather than a final rule, in order to implement the statutory directive to promulgate verification regulations and start the subsequent 2-year period in which Federal public benefit-granting agencies must come into compliance. The interim rule is in the concurrence process and has not yet been published.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1902-98	08/04/98	63 FR 41662
NPRM Comment Period End	10/05/98	
Interim Rule-INS No. 1902-98	10/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No

Government Levels Affected: State, Local, Federal

Additional Information: INS No. 1902-98 should be referenced for any inquiries concerning this rulemaking action.

Agency Contact: John Nahan, Director, SAVE Branch, Files and Forms Management Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Ullico Building, 1st Floor, Washington, DC 20536
Phone: 202 514-2317

RIN: 1115-AE99

1460. FINGERPRINTING APPLICANTS AND PETITIONERS FOR IMMIGRATION BENEFITS; ESTABLISHING A FEE FOR FINGERPRINTING BY THE SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252 note; 8 USC 1252b; 8 USC 1304; 8 USC 1356

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 316; 8 CFR 335

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service regulations relating to fingerprinting applicants and petitioners for benefits under the Immigration and Nationality Act by: Canceling the Designated Fingerprinting Service program; requiring applicants and petitioners for benefits to be fingerprinted at either a Service Office, a State or local law enforcement agency, or at a United States consular or military office; establishing a fee for fingerprinting by the Service; and requiring confirmation from the Federal Bureau of Investigation (FBI) that a full criminal background check has been completed before adjudication of a naturalization application is completed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/17/98	63 FR 12979
Interim Final Rule Effective	03/29/98	
Interim Final Rule Correction	04/09/98	63 FR 17489
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No

Government Levels Affected: State, Local

Additional Information: INS No. 1891-97

Agency Contact: Pamela T. Wallace, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 K Street NW, Washington, DC 20536
Phone: 202 305-1229

RIN: 1115-AF03

1461. PROCESSING, DETENTION, AND RELEASE OF JUVENILES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1362

CFR Citation: 8 CFR 236.3

Legal Deadline: Final, Judicial, July 31, 1998.

The court-approved settlement agreement in *Flores v. Reno* (C.D. Cal.) required INS to initiate action to publish regulations in July 1998. However, the changes brought by AEDPA and IIRIRA delayed issuance of regs. The INS later re-published the rule for comments. The comment period expires March 15, 2002.

Abstract: The rule amends the Immigration and Naturalization Service regulations by establishing the procedures for processing alien juveniles from custody and the detention of unreleased juveniles in State-licensed programs and detention facilities. This rule also governs the transportation and transfer of juveniles in Service custody.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1906-98	07/24/98	63 FR 39759
NPRM Comment Period End	09/22/98	
NPRM Comment Period Reopened	01/14/02	67 FR 1670
Second NPRM Comment Period End	03/15/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No

Government Levels Affected: None

Additional Information: INS No. 1906-98.

Agency Contact: Mark A. Matese, Director of Juvenile Affairs, Department of Justice, Immigration and Naturalization Service, 8th Floor, Office of Field Operations, 801 I Street, NW, Washington, DC 20536
Phone: 202 514-2162

RIN: 1115-AF05

DOJ—INS

Final Rule Stage

1462. SUSPENSION OF DEPORTATION AND SPECIAL RULE CANCELLATION OF REMOVAL FOR CERTAIN NATIONALS OF GUATEMALA, EL SALVADOR, AND FORMER SOVIET BLOC COUNTRIES

Priority: Other Significant

Legal Authority: 5 USC 552; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1251; 8 USC 1252 note; 8 USC 1252a; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1186a; 8 USC 1224

CFR Citation: 8 CFR 103; 8 CFR 208; 8 CFR 240; 8 CFR 246; 8 CFR 274a;

...

Legal Deadline: None

Abstract: This rule implements section 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted as title II of Public Law No. 105-100, 111 Stat. 2160, 2193 (1997) (as amended by Technical Corrections to the Nicaraguan Adjustment and Central American Relief Act (NACARA), Public Law 105-139, Stat. 2644 (1997)). Section 203 of NACARA provides that certain Guatemalans, Salvadorans, and nationals of former Soviet Bloc countries are eligible to apply for cancellation of removal under the standards for suspension of deportation similar to those that existed prior to enactment of Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). The rule establishes the authority of INS asylum officers to adjudicate certain applications under section 203 of NACARA, provides application and adjudication procedures, identifies factors and standards relevant to eligibility, and establishes a rebuttable presumption of extreme hardship for certain NACARA beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1915-98	11/24/98	63 FR 64895
NPRM Comment Period End-INS No. 1915-98	01/25/99	
Interim Rule-INS No. 1915-98	05/21/99	64 FR 27856
Interim Rule Comment Period End	07/20/99	
Final Rule	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: Federal
Additional Information: INS No. 1915-98

Agency Contact: Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Attn: Ullico Building 3rd Floor, Washington, DC 20536

Phone: 202 305-2663

RIN: 1115-AF14

1463. POWERS OF THE ATTORNEY GENERAL TO AUTHORIZE STATE OR LOCAL LAW ENFORCEMENT OFFICERS TO CARRY OUT IMMIGRATION ENFORCEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552; 8 USC 1101; 8 USC 1103; 8 USC 1201

CFR Citation: 28 CFR 65

Legal Deadline: None

Abstract: In order to provide a more effective and efficient response to a mass migration event, this rule implements provisions in the Immigration and Nationality Act allowing the Attorney General to authorize certain State and local law enforcement officers to perform various functions related to the enforcement of the immigration laws during the period of an actual or imminent mass influx of aliens. This rule would place designated State/local law enforcement officers under the direction of the INS when enforcing immigration law. This rule also allows the Commissioner to enter into advance written agreements with State and local law enforcement officials setting forth the terms and conditions of the functions to be performed during a Federal response to a mass influx of aliens, including reimbursement of expenses.

Timetable:

Action	Date	FR Cite
NPRM	04/08/99	64 FR 17128
NPRM Comment Period End	06/07/99	
Final Rule	06/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Local

Additional Information: INS No. 1924

Agency Contact: Ron Dodson, Supervisory Special Agent, Headquarters Investigations, Department of Justice, Immigration and Naturalization Service, Room 1000, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7310

RIN: 1115-AF20

1464. ELIMINATION OF IMMIGRATION AND NATURALIZATION SERVICE-ISSUED MEXICAN AND CANADIAN BORDER CROSSING CARDS

Priority: Other Significant

Legal Authority: 5 USC 552; 8 USC 1228; 8 USC 1252; 8 USC 1304; 8 USC 1356; 8 USC 1304; 8 USC 1356; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1201; 8 USC 1225; 8 USC 1226; 8 USC 1227

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 214; 8 CFR 235; 8 CFR 247; 8 CFR 264; 8 CFR 286; 8 CFR 299

Legal Deadline: Final, Statutory, October 1, 2001.

Abstract: This rule amends the Immigration and Naturalization Service (Service) regulations to eliminate the use of Form I-175, Application for Nonresident Alien Canadian Border Crossing Card, and Form I-190, Application for Nonresident Alien Mexican Border Crossing Card. It also terminates the production of Form I-185, Nonresident Alien Canadian Border Crossing Card, and Form I-586, Nonresident Alien Mexican Border Crossing Card. In addition, this rule prohibits the use of Form I-186 (previous version of Mexican Border Crossing Card), Form I-185 and Form I-586 Border Crossing Cards (BCCs) after September 30, 2001, or whatever other date may be enacted for required use of a card containing a machine readable biometric identifier for entry (such as the fingerprint or handprint of the alien). Under the provisions of this rulemaking, an alien seeking entry into the United States by presentation of a BCC must complete a biometric verification upon each entry.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/02	
Interim Final Rule Comment Period End	09/00/02	

Regulatory Flexibility Analysis Required: No

DOJ—INS

Final Rule Stage

Small Entities Affected: No**Government Levels Affected:** None**Additional Information:** INS No. 1931-98**Agency Contact:** Michael J. Flemmi, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 305-9247**RIN:** 1115-AF24**1465. FILING OF PROPOSALS FOR DESIGNATION AS A REGIONAL CENTER APPROVED TO PARTICIPATE IN THE IMMIGRANT INVESTOR PILOT PROGRAM****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1154; 8 USC 1182; 8 USC 1186a**CFR Citation:** 8 CFR 204**Legal Deadline:** None**Abstract:** The regulation changes the location for the filing and adjudication of proposals to participate in the Immigrant Investor Pilot Program from Headquarters, Adjudication, to the Texas and California Service Centers. This change is necessary to ensure the uniform and effective adjudication of these complex proposals related to economic development, export trade, and job creation.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	11/00/02	
Interim Final Rule Comment Period End	01/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**Additional Information:** INS No. 1944-98**Agency Contact:** Maurice R. Berez, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 353-8177**RIN:** 1115-AF27**1466. NONIMMIGRANT VISA EXEMPTION FOR NATIONALS OF THE BRITISH VIRGIN ISLANDS ENTERING THE UNITED STATES THROUGH ST. THOMAS, UNITED STATES VIRGIN ISLANDS****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1252; 8 USC 1102; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228**CFR Citation:** 8 CFR 212**Legal Deadline:** None**Abstract:** This rule amends the Immigration and Naturalization Service's regulations to allow nonimmigrant visitors for business or pleasure who are nationals of the British Virgin Islands to apply for admission to the United States without a visa at the ports-of-entry of St. Thomas, United States Virgin Islands. Since visas are no longer issued from the British Virgin Islands by the Department of State, all persons needing a nonimmigrant visa have to either travel or mail their applications to Barbados, the nearest visa-issuing location. The Service's action will facilitate travel to the United States for nationals of the British Virgin Islands while still ensuring that the proper application provisions of the I&NA are met.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	02/18/99	64 FR 7989
Interim Final Rule Comment Period End	04/18/99	
Final Action	08/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** State, Local, Federal**Additional Information:** INS No. 1956-98**Agency Contact:** Marty Newingham, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7992**RIN:** 1115-AF28**1467. DELEGATION OF THE ADJUDICATION OF CERTAIN H-2A PETITIONS TO THE DEPARTMENT OF LABOR****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1258; 8 USC 1281; 8 USC 1282; 8 CFR 2**CFR Citation:** 8 CFR 103; 8 CFR 214; 8 CFR 248; 8 CFR 264**Legal Deadline:** None**Abstract:** This rule amends the Immigration and Naturalization Service's regulations by delegating the adjudication of certain H-2A petitions to the United States Department of Labor (DOL). The Service has made these changes in order to streamline the existing H-2A petitioning process for certain foreign agricultural workers. This rule will make it easier and less burdensome for United States employers to file petitions for foreign agricultural workers.

A related proposed rule, INS No. 2059-00, will require alien workers to sign a petition request for change of status or extension of stay. It also provides that all petition requests including extension of stay and change of status petitions must be filed with the DOL and provides that the current Service petition fee will be collected by DOL as part of a combined fee. These changes will further streamline the H-2A petitioning process.

Timetable:

Action	Date	FR Cite
Final Action	09/28/01	66 FR 49514

INS No. 1946-98NPRM 12/07/98 (63 FR 67431)
NPRM Comment Period End 02/05/99
Final Action 07/13/00 (65 FR 43527)
Final Action-Delay of effective date until 10/01/2001 11/13/00 (65 FR 67616)
Final Action-Delay of effective date to 10/1/2002 09/28/01 (66 FR 49514)**INS No. 2059-00**NPRM 07/13/00 (65 FR 43535)
NPRM Comment Period End 08/14/00
NPRM Comment Period End-Extended Date 08/17/00 (65 FR 50166)
Final Action 10/00/02**Regulatory Flexibility Analysis Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** State, Local, Federal

DOJ—INS

Final Rule Stage

Additional Information: INS No. 1946-98

Agency Contact: Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7435

RIN: 1115-AF29

1468. REGULATIONS CONCERNING THE CONVENTION AGAINST TORTURE

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282

CFR Citation: 8 CFR 3; 8 CFR 208; 8 CFR 235; 8 CFR 238; 8 CFR 240; 8 CFR 241

Legal Deadline: Other, Statutory, February 18, 1999, The Act requires promulgation by 02/18/99.

Abstract: This rule implements Article 3 of the United Nations Convention Against Torture or Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment for persons who may be subject to removal from the United States under the provisions of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/19/99	64 FR 8478
Interim Final Rule Effective	03/22/99	
Interim Final Rule Corrections	03/22/99	64 FR 13881
Interim Final Rule Comment Period End	04/20/99	
Final Rule	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1976-99

Agency Contact: Kelly Ryan, Chief, Refugee and Asylum Branch, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2895

Charles Adkins-Blanch, General Counsel, Department of Justice, Executive Office for Immigration

Review, 2600 Skyline Tower, 5107 Leesburg Pike, Falls Church, VA 22041
Phone: 703 305-0470

RIN: 1115-AF39

1469. APPLICATION FOR REFUGEE STATUS; ACCEPTABLE SPONSORSHIP AGREEMENT GUARANTY OF TRANSPORTATION

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1157; 8 USC 1158; ...

CFR Citation: 8 CFR 207

Legal Deadline: None

Abstract: Section 207 of the Immigration and Nationality Act authorizes the Attorney General to admit refugees to the United States under certain conditions, including those provided for by regulation. The Immigration and Naturalization Service regulations require that sponsorship agreements be secured before an applicant is granted admission as a refugee at a U.S. port-of-entry (POE). The determination of whether or not someone is classified as a refugee is described in the Act as a separate decision from whether a refugee may be admitted to the United States in refugee status. This rule amends the Service regulations by removing language that erroneously implies that the Service requires a sponsorship agreement and guarantee of transportation prior to determining whether an applicant is a refugee. This rule is necessary to clarify issues that may appear ambiguous in the existing regulation, and provides more advantageous treatment for the limited number of applicants for refugee status who have their Service interviews before sponsorship agreements have been secured.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/21/99	64 FR 27660
Interim Final Rule Comment Period End	07/20/99	
Final Rule	05/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 1999-99

Agency Contact: Kathleen Thompson, Director, Refugee Branch, Office of International Affairs, Department of Justice, Immigration and Naturalization Service, Office of International Affairs, 425 I Street NW, 3rd Floor, Ullico Bldg., Washington, DC 20536
Phone: 202 305-2662

RIN: 1115-AF49

1470. NONIMMIGRANT CLASSES: Q-2 IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM VISITOR

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1186; 8 USC 1187; ...

CFR Citation: 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274

Legal Deadline: None

Abstract: This rule amends the regulations to establish a new visa classification, Q-2. Public Law 105-319, also known as the Irish Peace Process Cultural and Training Program Act of 1998, provides the basis for this regulatory change. The Q-2 visa classification identifies those visitors from Northern Ireland and certain designated counties in the Republic of Ireland to come to the United States temporarily for training employment and to experience coexistence and conflict resolution in a diverse society.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/17/00	65 FR 14774
Interim Final Rule Effective	03/17/00	
Interim Final Rule Comment Period End	05/16/00	
Revised Interim Final Rule	05/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2000-99

Agency Contact: Donna Crump, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 353-8177

RIN: 1115-AF51

DOJ—INS

Final Rule Stage

1471. CLARIFICATION OF PAROLE AUTHORITY**Priority:** Info./Admin./Other**Legal Authority:** 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...**CFR Citation:** 8 CFR 212**Legal Deadline:** None

Abstract: This rule amends the Immigration and Naturalization Service (Service) regulations concerning the authority to grant the parole of aliens from Service custody by specifically identifying the scope of that authority to include the Commissioner, the Deputy Commissioner, the Executive Associate Commissioner for Field Operations, and regional directors. This action is being taken to clarify which individuals are authorized by the Attorney General, acting through the Commissioner, to grant parole from Service custody.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/28/00	65 FR 82254
Interim Final Rule Comment Period End	12/28/00	
Interim Final Rule Delay of Effective Date until 03/30/2001	01/26/01	66 FR 7863
Final Action	01/00/03	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2004-99

(See Also 1115-AE68)

Agency Contact: Kenneth Leutbecker, Director, Parole and Humanitarian Assistance Branch, Office of International Affairs, Department of Justice, Immigration and Naturalization Service, Attn: ULLICO Bldg, Third Floor, 111 Massachusetts Avenue NW, Washington, DC 20001
Phone: 202 305-2670

RIN: 1115-AF53**1472. BATTERED AND ABUSED CONDITIONAL RESIDENTS; TERMINATION OF MARRIAGE BY CONDITIONAL RESIDENTS****Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1154; 8 USC 1184; 8 USC 1186a**CFR Citation:** 8 CFR 216; 8 CFR 299**Legal Deadline:** None

Abstract: Enacted on November 10, 1986, the Immigration Marriage Fraud Amendments of 1986 (IMFA) made a number of changes to the Act to deter aliens from marrying solely to obtain immigration benefits. IMFA established a conditional resident status for aliens who obtained lawful permanent resident status based upon a marriage of less than 2 years duration. The interim rule published on May 16, 1991, established procedures to allow a conditional resident who married in good faith but whose marriage was terminated by the United States citizen or lawful permanent resident spouse to seek a waiver of the joint filing requirement. The interim rule published on 5/16/91 also was necessary to provide a method by which a battered conditional resident, or a conditional resident parent of an abused conditional resident child, may apply for removal of the conditional basis of resident status without filing a joint petition. This interim rule implements certain technical changes made by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) and addresses comments received in response to the interim rule published on 5/16/91.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/91	56 FR 22635
Interim Final Rule	05/00/02	
Final Action	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** Interim Rule for INS No. 1423-91 that was published on 5/16/1991.

Agency Contact: Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536

Phone: 202 616-7440

Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AF59**1473. EXTENSION OF 25-MILE LIMIT AT SELECT ARIZONA PORTS-OF-ENTRY****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; ...**CFR Citation:** 8 CFR 235**Legal Deadline:** None

Abstract: This rule amends the Immigration and Naturalization Service regulations to extend the distance Mexican nationals with border crossing cards to travel into the United States without obtaining additional Immigration documentation at selected ports-of-entry (POEs) along the United States and Mexico border. The selected POEs are located in the State of Arizona at Sasabe, Nogales, Mariposa, Douglas, and Naco. Once visitors to Arizona meet the inspection requirements of legal entry to the United States, they will be able to travel within the 75-mile border region of Arizona. This rule is intended to promote commerce in the Southern Arizona border area while still ensuring that sufficient safeguards are in place to prevent illegal entry to the United States.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/08/99	64 FR 68616
Interim Final Rule Comment Period End	02/07/00	
Final Action	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2026-99

Agency Contact: Frances De Choudens, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service,

DOJ—INS

Final Rule Stage

Room 4064, 425 I Street NW,
Washington, DC 20536
Phone: 202 353-0591

RIN: 1115–AF60

1474. REVOKING GRANTS OF NATURALIZATION**Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1443**CFR Citation:** 8 CFR 340**Legal Deadline:** None

Abstract: This rule amends the INS regulations relating to administrative revocation of naturalization by changing the burden of proof the INS must satisfy in order to administratively revoke a grant of naturalization and clarifying the 180-day period for the rendering of the district director's decision. This rule provides that INS will only initiate revocation proceedings based on clear, unequivocal, and convincing evidence with the burden of proof remaining with INS throughout the administrative process and through the issuance of the final decision. This rule clarifies the issues raised by the promulgation of the final rule that was published in 1996 at 61 FR 5550. A final rule requesting comments was published in the Federal Register on October 28, 1996, at 61 FR 55550.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/31/00	65 FR 17127
Interim Final Rule Comment Period End	05/30/00	
Final Rule	10/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.1858-97

Agency Contact: Michael Neifach, Attorney, Office of the General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2895

RIN: 1115–AF63

1475. ENTRY REQUIREMENTS FOR CITIZENS OF THE REPUBLIC OF THE MARSHALL ISLANDS, THE FEDERATED STATES OF MICRONESIA, AND PALAU**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257; 8 CFR 2**CFR Citation:** 8 CFR 211; 8 CFR 212**Legal Deadline:** None

Abstract: This rule amends the Immigration and Naturalization Service regulations by adding documentary requirements for a naturalized citizen of the Marshall Islands, the Federated States of Micronesia, or Palau (Compact Countries) to enter into the United States, lawfully engage in occupations, accept employment, and establish residence as a nonimmigrant in the United States and its territories and possessions. This rule also clarifies the documentary requirements for an adopted child from Compact Countries who is immigrating to the United States. Without clarification of the documentary requirements for an adopted child from the Compact Countries, the Compact Countries may not consent to the adoption of children by U.S. citizens and legal permanent residents.

Timetable:

Action	Date	FR Cite
NPRM	07/18/01	66 FR 37429
NPRM Comment Period End	08/17/01	
Final Action	09/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2042-00

Agency Contact: Michael C. Biggs, Assistant Director, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street, NW, Washington, DC 20536
Phone: 202 353-7705
Email: michael.c.biggs@usdoj.gov

RIN: 1115–AF65

1476. REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES: CONTROL OF EMPLOYMENT OF ALIENS**Priority:** Other Significant**Legal Authority:** 8 USC 1103; 8 USC 1201; 8 USC 1201a; 8 USC 1301; 8 USC 1305**CFR Citation:** 8 CFR 264; 8 CFR 274a**Legal Deadline:** None

Abstract: This rule amends the Immigration and Naturalization Service regulations governing applications for renewal of 10-year Permanent Resident Cards upon their expiration. This rule adds documents to the acceptable list of registration requirements and clarifies the requirements for Lawful Permanent Resident (LPRs) to file Form I-90, Application to Replace Alien Registration Card, if they are also applying for naturalization. This rule also provides additional methods to verify employment eligibility for those in the process of renewing their expired or expiring Form I-551, Permanent Resident Card. These changes are necessary to facilitate the 10-year Form I-551 renewal process. This rule also clarifies the fingerprinting requirements for lawful permanent residents who reach the age of 14 years.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/03	
Interim Final Rule Comment Period End	03/00/03	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.2042-00

Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115–AF71

DOJ—INS

Final Rule Stage

1477. NATIONAL INTEREST WAIVERS FOR SECOND PREFERENCE EMPLOYMENT-BASED IMMIGRANT PHYSICIANS SERVING IN MEDICALLY UNDERSERVED AREAS OR AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES

Priority: Other Significant

Legal Authority: PL 106-113; 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641

CFR Citation: 8 CFR 204; 8 CFR 245

Legal Deadline: None

Abstract: On November 29, 1999, Public Law 106-113 was enacted. Section 117 amended the Immigration and Nationality Act (Act) at section 203 to provide national interest waivers to alien physicians agreeing to practice 5 years in designated medically underserved areas or at Veterans Affairs facilities. The Service proposes an amendment to 8 CFR 204 and 245 in order to implement the new statutory provisions. The Service issued an interim regulation so that applicants may begin to take advantage of the new provisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/06/00	65 FR 53889
Correction to Interim Final Rule	09/27/00	65 FR 57943
Interim Final Rule Effective	10/06/00	
Correction to Interim Final Rule	10/20/00	65 FR 63118
Interim Final Rule Comment Period End	11/06/00	
Final Rule	10/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2048-00

Agency Contact: Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7867
Fax: 202 514-0198
Email: craig.s.howie@usdoj.gov

RIN: 1115-AF75

1478. PETITIONING REQUIREMENTS FOR THE H-1C NONIMMIGRANT CLASSIFICATION UNDER PUBLIC LAW 106-95

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; ...

CFR Citation: 8 CFR 214.2

Legal Deadline: None

Abstract: On November 12, 1999, the Nursing Relief for Disadvantaged Areas Act (NRDAA) was enacted creating a new H-1C nonimmigrant nurse category. This rule amends the Service's regulations in order to implement the NRDAA as it relates to the adjudication petitions for H-1C classification. This rule will facilitate the hiring of alien registered nurses to reduce the shortage of nurses in certain areas of the United States while protecting the rights of U.S. nurses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/11/01	66 FR 31107
Interim Final Rule Comment Period End	08/10/01	
Final Action	12/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2050-00

Agency Contact: Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7435

RIN: 1115-AF76

1479. EXPANSION OF DEDICATED COMMUTER LANES; CLARIFICATION OF DRIVER'S LICENSE REQUIREMENT FOR APPLICANTS TO DEDICATED COMMUTER LANES AND AUTOMATED PERMIT PORT PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1183; 8 USC 1201; ...

CFR Citation: 8 CFR 235

Legal Deadline: None

Abstract: This interim rule amends the Immigration and Naturalization Service regulations governing the Dedicated Commuter Lanes (DCL) and Automated Permit Port programs by establishing DCLs along the northern borders of the United States. The rule proposes to clarify that non-driving passengers who do not have a driver's license, for example, children, certain elderly people, and others who are ineligible to drive or otherwise choose not to drive, are not required to have or present a driver's license before their application is approved.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/02	
Interim Final Rule Comment Period End	08/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2058-00

Agency Contact: Thomas C. Campbell, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4214, 425 I Street NW, Washington, DC 20536
Phone: 202 305-9246

RIN: 1115-AF77

1480. WAIVING THE FINGERPRINTING REQUIREMENT FOR CERTAIN DISABLED NATURALIZATION APPLICANTS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1443; 8 USC 1447; 29 USC 794(a), The Rehabilitation Act of 1973

CFR Citation: 8 CFR 316; 8 CFR 335

Legal Deadline: None

Abstract: Currently, all naturalization applicants filing Form N-400, Application for Naturalization, are required to be fingerprinted on Form FD-258 Applicant Card for the purpose of conducting criminal background checks by the Federal Bureau of Investigation (FBI). This rule amends the Immigration and Naturalization Service regulations by providing a

DOJ—INS

Final Rule Stage

fingerprinting waiver for naturalization applicants who, because of a permanent impairment, are unable to provide any fingerprints. It also provides an alternative method for collecting the required background clearances.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Request for Comments	10/00/02	
Interim Final Rule Comment Period End	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2060-00

Agency Contact: Pamela T. Wallace, Adjudications Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536
Phone: 202 514-9475

RIN: 1115-AF80

1481. UPDATE OF LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1221; 8 USC 1225; 8 USC 1226; 8 USC 1228; 8 USC 1229; 8 USC 1252

CFR Citation: 8 CFR 212; 8 CFR 233

Legal Deadline: None

Abstract: This interim rule (INS No. 2020-99) updates the list of those countries that the Service, acting on behalf of the Attorney General and jointly with the Department of State, has determined to be ineligible for participation in the TWOV program. This rule also removes certain countries from the ineligible listing so that aliens from these countries can have their passport and visa requirements waived. This rule is intended to benefit the traveling public by expanding the number of countries whose citizens or nationals may transit the United States without a visa while preventing an increase in the abuse of the TWOV

program by citizens or nationals of countries placed on the ineligible list.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/05/01	66 FR 1017
Interim Final Rule Delay of Effective Date	02/02/01	66 FR 8743
Interim Final Rule Comment Period End	03/06/01	
Interim Final Rule Effective	04/06/01	
Final Action	10/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No.2020-99

Negotiations are under way between the Department of State and the Immigration and Naturalization Service.

INS No.2129-01

Related RIN 1115-AD96, "Establishing Criteria for Determining Countries Whose Citizens Are Ineligible for the Transit Without Visa (TWOV) Program."

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7499
Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AF81

1482. IMPLEMENTATION OF THE NUMERICAL LIMIT ON ASYLUM GRANTS AND REFUGEE ADMISSIONS BASED ON RESISTANCE TO COERCIVE POPULATION CONTROL MEASURES

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1157; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2

CFR Citation: 8 CFR 208; 8 CFR 274a

Legal Deadline: None

Abstract: Section 601(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) provides that, for any fiscal year, not more than a total of 1,000 refugees may be admitted or granted asylum based

solely on resistance to coercive population control measures. This rule authorizes the Immigration and Naturalization Service and the Executive Office for Immigration Review to make conditional grants of asylum in those cases in which an applicant is found to merit asylum solely on the basis of resistance to coercive population control measures and establishes a mechanism for converting no more than 1,000 conditional grants per fiscal year to final asylum grants. The rule also establishes procedures for administering a waiting list in those years that the number of conditional grants exceeds the statutory limit for final grants, reserves a certain number of authorization numbers for purposes of refugee admission, and addresses procedures for administering derivative conditional grants, terminating conditional grants, and other procedures specific to this rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule With Request for Comments	06/00/02	
Interim Final Rule Comment Period End	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2067-00

Agency Contact: Joanna Ruppel, Supervisor for Asylum Operations, International Affairs, Department of Justice, Immigration and Naturalization Service, 3rd Floor, 111 Massachusetts Avenue NW, Washington, DC 20536
Phone: 202 305-2663

RIN: 1115-AF84

1483. ADDING ACTUARIES AND PLANT PATHOLOGISTS TO APPENDIX 1603.D.1 OF THE NORTH AMERICAN FREE TRADE AGREEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186a; 8 USC 1187; 8 USC 1221; 8 USC 1281; 8 USC 1282

CFR Citation: 8 CFR 2

Legal Deadline: None

DOJ—INS

Final Rule Stage

Abstract: The rule proposes to amend 8 CFR 214.6 by adding the occupations of actuary and plant pathologists to Appendix 1603.D.1. This rule proposes to modify the licensure requirements for Canadian citizens seeking admission to the U.S. as a TN nonimmigrant category alien. These amendments are being proposed to reflect the agreements made among the three parties to the North American Free Trade Agreement.

Timetable:

Action	Date	FR Cite
NPRM	12/19/00	65 FR 79320
NPRM Comment Period End	02/20/01	
Final Action	07/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2068-00

Agency Contact: Irene Hoffman, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7435

RIN: 1115-AF85

1484. POWER OF ATTORNEY GENERAL TO TERMINATE DEPORTATION PROCEEDINGS AND INITIATE REMOVAL PROCEEDINGS

Priority: Substantive, Nonsignificant**Legal Authority:** PL 104-208**CFR Citation:** 8 CFR 309**Legal Deadline:** None

Abstract: This rule proposes to implement section 309(c)(3) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) by affording certain aliens rendered ineligible for relief from deportation by recent changes in the law the opportunity to have their deportation proceedings terminated and removal proceedings initiated in order to apply for relief. Certain permanent resident aliens rendered ineligible for section 212(c) relief by the Antiterrorism and Effective Death Penalty Act (AEDPA) and certain non-permanent resident aliens rendered ineligible for suspension of deportation by the stop-time rule in IIRIRA may apply for

“repapering” (as it is commonly known) under this rule. This process would not apply to aliens eligible for 212(c) relief pursuant to the procedures described in the Executive Office for Immigration Review (EOIR) rulemaking (RIN 1125-AA29).

Timetable:

Action	Date	FR Cite
NPRM	11/30/00	65 FR 71273
NPRM Comment Period End	01/29/01	
Final Action	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2083-00

Agency Contact: Kyle D. Latimer, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, Office of the General Counsel, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 616-2604

RIN: 1115-AF87

1485. EMPLOYMENT AUTHORIZATION FOR CERTIFICATE OF CITIZENSHIP APPLICANTS

Priority: Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1324a; 8 USC 1443; 8 USC 1448; 8 CFR 2**CFR Citation:** 8 CFR 274a, 8 CFR 341**Legal Deadline:** None

Abstract: This interim rule amends the Immigration and Naturalization Service regulations by providing a procedure under which aliens who, believing they are actually citizens, have filed applications for certificates of citizenship (Forms N-600) may obtain employment authorization while their applications are pending. This interim rule is necessary to establish a uniform procedure to accommodate Form N-600 applicants, without creating a strong incentive for aliens to file applications in bad faith, seeking simply to obtain employment authorization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/02	
Interim Final Rule Comment Period End	08/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No.2076-00

Agency Contact: Richard Sheridan, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536
Phone: 202 616-0583

RIN: 1115-AF90

1486. ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE; TEMPORARY REMOVAL OF CERTAIN RESTRICTIONS OF ELIGIBILITY

Priority: Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1201; 8 USC 1252; 8 USC 1252b; 8 USC 1304; 8 USC 1356**CFR Citation:** 8 CFR 103; 8 CFR 205; 8 CFR 245**Legal Deadline:** None

Abstract: The Immigration and Naturalization Service is amending its regulations governing eligibility for adjustment of status under section 245(i) of the Immigration and Nationality Act to conform the regulations to existing policy and procedures and to remove language that has been superseded by subsequent legislation. Specifically, this interim rule conforms the regulations to include the changes made by Public Law 105-119 and Public Law 106-544. It also provides for the changes contained in the Legal Immigration Family Equity Act of 2000 (LIFE ACT). As required by the Life Act, this rule changes the sunset date of section 245(i) of the Immigration and Naturalization Act to the new date of April 30, 2001, for filing of qualifying petitions or applications that enable the applicant to apply to adjust status using section 245(i) and clarifies the effect of the new sunset date on eligibility. This means that in order to preserve the ability to apply for adjustment of status under section 245(i), an alien must be the beneficiary of a visa petition for classification under section 204 of the Act or application for labor certification properly filed on or before April 30, 2001, and determined to have approval

DOJ—INS

Final Rule Stage

when filed. This rule also provides guidance on the standard for review of filing for immigrant visa petitions and applications for labor certification on or before April 30, 2001.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/26/01	66 FR 16383
Interim Final Rule Effective	03/26/01	
Interim Final Rule Comment Period End	05/25/01	
Final Rule	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2078-00; This rulemaking supersedes RIN 1115-AD83.

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2763

Email: michael.valverde@justice.usdoj.gov

RIN: 1115-AF91

1487. ASYLUM AND WITHHOLDING DEFINITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1282; 8 CFR 2

CFR Citation: 8 CFR 208

Legal Deadline: None

Abstract: This rule proposes to amend the Department regulations that govern establishing asylum eligibility. This rule is intended to provide guidance on certain issues that have arisen in the context of asylum adjudications. The amendments focus on portions of the regulations that deal with the definitions of persecution, membership in a particular social group, and State action. This rule codifies long-standing concepts of the definition of persecution. It clarifies that gender can be a basis for membership in a particular social group. It also clarifies that a person who has suffered or fears domestic violence may be considered a member of a particular social group. The Department of Justice believes this

issue required further examination after the Board of Immigration Appeals decision, Matter of R-A. This rule also clarifies that the factors considered in Ninth Circuit case law regarding membership in a particular social group are non-determinative. Finally, the rule offers further guidance on what is required to show a State's inability or unwillingness to control a persecutor.

Timetable:

Action	Date	FR Cite
NPRM	12/07/00	65 FR 76588
NPRM Comment Period End	01/22/01	
Final Action	09/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No 2092-00

Agency Contact: Dorteia Lay, Attorney, Office of the General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 305-8414
Fax: 202 514-0455

RIN: 1115-AF92

1488. PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A U.S. CITIZEN OR PREFERENCE IMMIGRANT; ADJUSTMENT OF STATUS TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; ...

CFR Citation: 8 CFR 204; 8 CFR 245

Legal Deadline: None

Abstract: This final rule amends regulations of the Immigration and Naturalization Service (Service) to provide an exception from the general prohibition against approval of immigration benefits based upon a marriage entered into during removal proceedings. The rule creates a good faith exception to the prohibition. This final rule completes the regulatory implementation of the Immigration Act of 1990 (IMMACT 90).

Timetable:

Action	Date	FR Cite
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: See INS No. 1419-91

Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AF94

1489. CHILDREN BORN OUTSIDE THE UNITED STATES; APPLICATIONS FOR CERTIFICATE OF CITIZENSHIP

Priority: Other Significant

Legal Authority: PL 106-395

CFR Citation: 8 CFR 103; 8 CFR 299; 8 CFR 310; 8 CFR 320; 8 CFR 322; 8 CFR 338; 8 CFR 341; 8 CFR 499; ...

Legal Deadline: Final, Statutory, February 27, 2001, Mandated by Law.

Abstract: This rule implements title I of the Child Citizenship Act of 2000 (CCA), Public Law 106-395. First, it amends the Immigration and Naturalization Service (Service) regulations by adding a new part which addresses application procedures for foreign-born children residing in the United States pursuant to a lawful admission for permanent residence, who acquire citizenship automatically under section 320 of the Immigration and Nationality Act (Act), as amended. This rule established procedures for these foreign-born children, including adopted children, to obtain certificates of citizenship. Second, this rule also addresses application procedures for foreign-born children residing outside the United States, who can acquire citizenship under section 322 of the Act, as amended, by approval of an application and taking the oath of allegiance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/13/01	66 FR 32138
Interim Final Rule Effective	06/13/01	

DOJ—INS

Final Rule Stage

Action	Date	FR Cite
Interim Final Rule	08/13/01	
Comment Period		
End		
Final Action	12/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2101-00

Agency Contact: Richard Sheridan, Staff Officer, Immigration Services Division, Department of Justice, Immigration and Naturalization Service, Room 980, 801 I Street NW, Washington, DC 20536
Phone: 202 616-0583

RIN: 1115-AF98

1490. ALLOWING FOR THE FILING OF FORM I-140 VISA PETITION CONCURRENTLY WITH A FORM I-485 APPLICATION IN CERTAIN CIRCUMSTANCES

Priority: Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641**CFR Citation:** 8 CFR 204; 8 CFR 245**Legal Deadline:** None

Abstract: The current regulations provide that an alien worker who wants to apply for permanent residence by filing the appropriate Form I-485, Application To Register Permanent Residence or Adjust Status, cannot do so until he or she obtains approval of the underlying petition, Form I-140, Immigrant Petition for Alien Worker. This procedure has resulted in aliens experiencing unnecessary delays due to the heavy backlog created by increasing numbers of cases received by the Immigration and Naturalization Service. This rule amends the Service's regulations by allowing the Forms I-140 and I-485 to be filed concurrently when a visa is immediately available, thereby improving the efficiency of the system, as well as customer service. This rule will also allow the alien worker to apply for employment authorization (Form I-765, Application for Employment Authorization) and advance parole authorization (Form I-131, Application for Travel Document) while the Form I-485 is pending.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/02	
Interim Final Rule	08/00/02	
Comment Period		
End		

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2104-00

Agency Contact: Maurice R. Berez, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 353-8177

RIN: 1115-AG00

1491. SPECIAL IMMIGRANT VISA FOR FOURTH PREFERENCE EMPLOYMENT-BASED BROADCASTERS

Priority: Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1151; 8 USC 1153; 8 USC 1154; 8 USC 1182; 8 USC 1186a; 8 USC 1255; 8 USC 1641**CFR Citation:** 8 CFR 204**Legal Deadline:** None

Abstract: This interim rule amends the Immigration and Naturalization Service regulations by establishing the procedure under which the International Broadcasting Bureau of the United States Broadcasting Board of Governors (BBG), or a BBG grantee organization, may file special fourth preference immigrant petitions for alien broadcasters. This rule explains the requirements the alien broadcaster must meet in order to be the beneficiary of an immigrant visa petition. This regulatory change is necessary in order to assist the BBG in fulfilling its statutory obligation to hire alien broadcasters.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/11/01	66 FR 51819
Interim Final Rule	11/13/01	
Effective		
Interim Final Rule	12/10/01	
Comment Period		
End		
Final Action	06/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2106-00

Agency Contact: Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7867
Fax: 202 514-0198
Email: craig.s.howie@usdoj.gov

RIN: 1115-AG01

1492. ESTABLISHING PREMIUM PROCESSING SERVICE FOR EMPLOYMENT-BASED PETITIONS AND APPLICATIONS

Priority: Substantive, Nonsignificant**Legal Authority:** 8 USC 1101; 8 USC 1103**CFR Citation:** 8 CFR 103; 8 CFR 299**Legal Deadline:** None

Abstract: This rule changes the Immigration and Naturalization Service regulations to establish premium processing service for certain employment-based petitions and applications. If an individual pays a fee for premium processing service, the INS will process the petition or application in 15 days. Premium Processing Service will give American businesses an option to pay for more rapid processing of petitions and applications to meet their needs for foreign workers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/01/01	66 FR 29682
Interim Final Rule	06/01/01	
Effective		
Interim Final Rule	07/31/01	
Comment Period		
End		
Final Action	08/00/02	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2108-01

Agency Contact: Cindy Keiss, Adjudications Officer, Immigration

DOJ—INS

Final Rule Stage

Services Division, Department of Justice, Immigration and Naturalization Service, 10th Floor, 800 K Street NW, Washington, DC 20536
Phone: 202 305-8010

RIN: 1115-AG03

1493. NONIMMIGRANT CLASSES; SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENTS; V CLASSIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1102; PL 106-553

CFR Citation: 8 CFR 103; 8 CFR 204; 8 CFR 205; 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 299

Legal Deadline: None

Abstract: Section 1102 of the LIFE Act of 2000 amends the Immigration and Nationality Act to create a new nonimmigrant classification V for the spouses and children of lawful permanent residents awaiting the availability of an immigrant visa number in the appropriate preference category in accordance with the State Department's monthly Visa Bulletin. Eligible spouses and children of lawful permanent residents residing abroad that obtain the V nonimmigrant visa from the Department of State may work and reside in the United States on the basis of the V classification until they can apply for adjustment of status to that of lawful permanent resident. Certain eligible spouses and children of lawful permanent residents already present in the United States may be granted V classification until they can apply to adjust status to that of lawful permanent resident. This rule sets forth eligibility criteria and procedures for obtaining the V visa classification and related employment authorization.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/07/01	66 FR 46697
Interim Final Rule Effective	09/07/01	
Interim Final Rule Comment Period End	11/06/01	
Final Rule	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2117-01

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG08

1494. K NONIMMIGRANT CLASSIFICATION, LEGAL IMMIGRATION FAMILY EQUITY ACT (LIFE)

Priority: Substantive, Nonsignificant

Legal Authority: PL 106-553

CFR Citation: 8 CFR 212; 8 CFR 214; 8 CFR 245; 8 CFR 248; 8 CFR 274a

Legal Deadline: Final, Statutory, December 21, 2000.

Abstract: Section 1103 of the Legal Immigration Family Equity Act (LIFE), Public Law 106-553, creates a new nonimmigrant classification under INA 101(a)(15)(K) for the spouses and children of U.S. citizens who have pending immigrant visa applications. This rule establishes this classification in the INS regulations, including creating filing and adjudication procedures, as well as procedures for adjusting status from this new nonimmigrant classification to that of a lawful permanent resident.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/14/01	66 FR 42587
Interim Final Rule Comment Period End	10/15/01	
Final Action	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: LIFE creates another separate nonimmigrant classification V and also amends the INA for other purposes. Each of these will be addressed in a separate rule. [INS No. 2127-01]

Agency Contact: Michael Hardin, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service,

Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG12

1495. ADJUSTMENT OF STATUS FOR CERTAIN SYRIAN NATIONALS GRANTED ASYLUM IN THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255; sec 202, PL 105-100, 111 Stat 2160, 2193; 8 CFR 2

CFR Citation: None

Legal Deadline: None

Abstract: On October 27, 2000, the President signed into law Public Law 106-378, which provides for the adjustment of status to lawful permanent resident of certain Syrian nationals, without regard to the annual numerical limitation requirement. This interim rule discusses eligibility and sets forth application procedures for persons wishing to adjust status on the basis of Public Law 106-378. The INS has issued this action as an interim rule because Public Law 106-378 provided for a 1-year application period, which will end on October 26, 2001. Publication of the interim rule ensures that applicants were provided with as much time as possible to apply for the benefits under Public Law 106-378. The Service is now reviewing comments and is drafting a final rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/01	66 FR 27445
Interim Final Rule Effective	05/17/01	
Interim Final Rule Comment Period End	07/17/01	
Final Action	07/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG13

1496. ADJUSTMENT OF STATUS OF CERTAIN ALIENS FROM VIETNAM, CAMBODIA, AND LAOS IN THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1255

CFR Citation: 8 CFR 245

Legal Deadline: None

Abstract: On November 6, 2000, the President signed into law Public Law 106-429, the Foreign Operations Appropriations Act of 2001, section 586 of which provides for the adjustment of status for certain aliens from Vietnam, Cambodia, and Laos. To apply for adjustment under this provision, eligible applicants must have been physically present in the United States since October 1, 1997, and inspected and paroled into the United States from Vietnam under the Orderly Departure Program from a refugee camp in East Asia or from a displaced persons camp administered by the United Nations in Thailand. This rule further discusses eligibility, sets forth application procedures, and amends Service regulations to provide for adjustments of status on the basis of section 586 of Public Law 106-429.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/02	
Interim Final Rule Effective	06/00/02	
Interim Final Rule Comment Period End	08/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2124-01

Agency Contact: Michael Valverde, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG14

1497. ADDING COLOMBIA TO THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1228; 8 USC 1252; 8 USC 1227

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: The Transit Without Visa program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service in accordance with section 233(c) of the Act. This interim rule adds Colombia to the list of those countries that the Service, acting on behalf of the Attorney General and jointly with the Department of State, has determined to be ineligible for participation in the TWOV program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/30/01	66 FR 17321
Interim Final Rule Effective	04/02/01	
Interim Final Rule Comment Period End	05/29/01	
Final Action	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No 2129-01

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7499
Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AG16

1498. NEW CLASSIFICATION FOR VICTIMS OF SEVERE FORMS OF TRAFFICKING IN PERSONS ELIGIBLE FOR THE T NONIMMIGRANT STATUS

Priority: Other Significant

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1104; 8 USC 1182; 8 USC 1184; 8 USC 1187; 8 USC 1201; 8 USC 1224; 8 USC 1225; 8 USC 1226; 8 USC 1227; 8 USC 1252; 8 USC 1252a; 22 USC 7101; 22 USC 7105; ...

CFR Citation: 8 CFR 103; 8 CFR 212; 8 CFR 212; 8 CFR 214; 8 CFR 274a; 8 CFR 299

Legal Deadline: None

Abstract: This rule sets forth application requirements for a new nonimmigrant classification. The T classification was created by 107(e) of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), Public Law 106-386. The T nonimmigrant classification was designed for eligible victims of severe forms of trafficking in persons who aid the Government with their case against the traffickers and who can establish that they would suffer extreme hardship involving unusual and severe harm if they were removed from the United States after having completed their assistance to law enforcement. The rule establishes application procedures and responsibilities for the Immigration and Naturalization Service (Service) and provides guidance to the public on how to meet certain requirements to obtain T nonimmigrant status.

There is a statutory cap for T nonimmigrant status for victims of a severe form of trafficking (principals), which is set at 5,000 per annum. The law also provides that certain family members can derive T status through the principal's application.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/31/02	67 FR 4784
Effective Date	03/04/02	
Comment Period Ends	04/01/02	
Final Rule	12/00/02	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: State, Federal

Additional Information: INS No. 2132-01; AG Order No. 2554-2002

DOJ—INS

Final Rule Stage

There is a related rulemaking, INS No. 2170-01, the new U nonimmigrant status. [RIN 1115-AG39]

Agency Contact: Pearl Chang, Branch Chief, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7440

RIN: 1115-AG19

1499. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING

Priority: Other Significant

Unfunded Mandates: Undetermined

Legal Authority: 5 USC 552; 5 USC 552a; 8 USC 1101; 8 USC 1103; 8 USC 1104; 8 USC 1252; 22 USC 7101; 22 USC 7105; ...

CFR Citation: 28 CFR 1100

Legal Deadline: Other, Statutory, April 28, 2001, Statutory deadline for promulgation of regulations.

Abstract: This rule amends 28 CFR and sets forth implementing guidance for section 107(c) of the Victims of Trafficking and Violence Protection Act of 2000. The Attorney General and the Secretary of State are promulgating these regulations for law enforcement, Immigration, and Department of State (DOS) officials regarding the protection of victims of severe forms of trafficking who are in custody, the access of such victims to information about their rights and translation services, and the training of appropriate Department of Justice and DOS personnel in identifying and protecting such victims. The rule also addresses the authority of Federal law enforcement officials to permit the continued presence in the United States of certain victims of severe forms of trafficking who are potential witnesses in order to aid prosecutions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/24/01	66 FR 38514
Interim Final Rule Comment Period End	10/22/01	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Federal

Federalism: Undetermined

Additional Information: INS No 2133-01

Agency Contact: Mark Mullins, Acting Director, Program Strategy and Development Branch, Department of Justice, Immigration and Naturalization Service, Investigations Division, 425 I Street NW, Washington, DC 20536
Phone: 202 514-3479

RIN: 1115-AG20

1500. REMOVING RUSSIA FROM THE LIST OF COUNTRIES WHOSE CITIZENS OR NATIONALS ARE INELIGIBLE FOR TRANSIT WITHOUT VISA (TWOV) PRIVILEGES TO THE UNITED STATES UNDER THE TWOV PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...

CFR Citation: 8 CFR 212

Legal Deadline: None

Abstract: The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without a passport or visa provided they are traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service (Service) in accordance with section 233 (c) of the Immigration and Nationality Act (Act). This interim rule removes Russia from the list of those countries that the Service, acting on behalf of the Attorney General and jointly with the Department of State, has determined to be eligible for participation in the TWOV program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/15/01	66 FR 32529
Interim Final Rule Comment Period End	08/15/01	
Final Action	11/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2144-01

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7499

Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AG27

1501. DETENTION OF ALIENS SUBJECT TO FINAL ORDERS OF REMOVAL

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1223; 8 USC 1227; 8 USC 1231; 8 USC 1253; ...

CFR Citation: 8 CFR 241

Legal Deadline: None

Abstract: This rule amends the custody review process governing the detention of aliens who are the subject of a final order of removal, deportation or exclusion (see 8 CFR 241.4) in light of the decision of the U.S. Supreme Court in *Zadvydas v. Davis*, 533 U.S., 121 S. Ct. 2491 (2001). This rule adds new provisions governing cases for the Immigration and Naturalization Service (Service) to determine whether there is a significant likelihood that an alien will be removed from the United States in the reasonably foreseeable future, and cases where there are special circumstances justifying the continued detention of certain aliens. This rule also makes conforming changes to the existing post-removal period detention regulations, and provides procedures to implement the statutory provision for the extension of the removal period beyond 90 days if the alien conspires or acts to prevent his or her removal or fails or refuses to assist the Service in obtaining documents necessary to his or her removal.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/14/01	66 FR 56967
Interim Final Rule Comment Period End	01/14/02	
Final Action	06/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No 2156-01

Agency Contact: Joan S. Lieberman, Attorney, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2895

RIN: 1115-AG29

1502. ALLOWING CITIZENS AND NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA LIMITED TRANSIT WITHOUT VISA (TWOV) PRIVILEGES AT TWOV-DESIGNATED ALASKA INTERNATIONAL AIRPORTS

Priority: Substantive, Nonsignificant
Legal Authority: 8 USC 1101; 8 USC 1102; 8 USC 1103; 8 USC 1182; 8 USC 1184; ...

CFR Citation: 8 CFR part 212

Legal Deadline: None

Abstract: The Transit Without Visa (TWOV) Program allows certain aliens to transit the United States en route to a specified foreign country without passport or visa provided they are traveling on a carrier signatory to an agreement with the Immigration and Naturalization Service (Service) in accordance with section 233(c) of the Act and meet certain other requirements as enumerated in Service regulations at 8 CFR 212.1(f) and 214.2(c). This interim rule allows citizens and nationals of the People's Republic of China limited TWOV privileges at TWOV-designated Alaska international airports provided they meet additional requirements enumerated in the rule. This rule is intended to benefit the economy of Alaska by allowing citizens and nationals of the People's Republic of China to transit the United States without a visa at TWOV-designated Alaska international airports while limiting the risk of abuse of the TWOV program by citizens or nationals of the People's Republic of China by restricting this policy to certain Alaskan ports of entry.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/00/02	
Interim Final Rule Published	11/00/02	
Interim Final Rule Comment Period End		

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2160-01;

Agency Contact: Robert F. Hutnick, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service,

Room 4064, 425 I Street NW, Washington, DC 20536
 Phone: 202 616-7499
 Email: robert.f.hutnick@usdoj.gov

RIN: 1115-AG33

1503. CUSTODY PROCEDURES

Priority: Other Significant

Legal Authority: 8 USC 1103; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1251; ...

CFR Citation: 8 CFR part 287

Legal Deadline: None

Abstract: This rule amends the Immigration and Naturalization Service (Service) regulations on the period of time after an alien's arrest within which the Service must make a determination whether the alien will be continued in custody or released on bond or recognizance and whether to issue a notice to appear and warrant of arrest. This rule provides that unless voluntary departure has been granted, the Service must make such determinations within 48 hours of arrest, except in the event of emergency or other extraordinary circumstance in which case the Service must make such determinations within an additional reasonable period of time.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	09/17/01	66 FR 48334
Interim Final Rule Published	09/20/01	66 FR 48334
Interim Final Rule Comment Period End	11/19/01	
Final Action	05/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No 2171-01

Agency Contact: Daniel Brown, Assistant General Counsel, Office of General Counsel, Department of Justice, Immigration and Naturalization Service, Room 6100, 425 I Street NW, Washington, DC 20536
 Phone: 202 616-7977

RIN: 1115-AG40

1504. • CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 8 USC 1103; 8 USC 1158

CFR Citation: 8 CFR 215

Legal Deadline: None

Abstract: The Immigration and Naturalization Service (Service) provides Prevent Departure Lists (PDLs) to airlines, cruise ship companies, bus companies and other carriers, business entities and hard copies only to individuals. The PDLs consist of the names of individuals that the Federal Bureau of Investigation (FBI) has determined need to be interviewed before being permitted to depart the United States. These interviews will be done by the Service and/or the FBI.

To improve the Service's efficiency, it is amending its regulations affecting the controls of aliens departing the United States by allowing (PDLs) to be distributed by electronic mail and computer disks instead of hard-copy delivery. However, the Service will continue to send a hard copy of the PDLs if the carrier or other business entity does not have electronic mail or the capability to use the information on computer disk.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/02	
Interim Final Rule Comment Period End	11/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2175-01

Agency Contact: Cindy N. Lechner, Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
 Phone: 202 514-8592

RIN: 1115-AG42

DOJ—INS

Final Rule Stage

1505. • DOCUMENTARY REQUIREMENTS FOR CERTAIN TEMPORARY RESIDENTS**Priority:** Other Significant**Legal Authority:** 8 USC 1101; 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1203; 8 USC 1225; 8 USC 1257; 8 CFR part 2**CFR Citation:** 8 CFR 211**Legal Deadline:** None

Abstract: This final rule adds a document to the list of documents that may be presented by certain returning temporary residents in lieu of an immigrant visa. This rule will allow the Form I-797, Notice of Action, issued to certain aliens who have adjusted to temporary resident status pursuant to 8 CFR 245a to be used as an entry document at a port-of-entry. This rule is necessary to ensure that those temporary resident aliens eligible to reenter the United States with a Form I-797 are able to do so.

Timetable:

Action	Date	FR Cite
Final Rule	09/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2177-01

Agency Contact: Elizabeth N. Lee, Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 514-4754

RIN: 1115-AG44**1506. • CHANGE IN BUSINESS PRACTICES; ACCEPTANCE OF PAYMENTS OF FEES BY CREDIT CARD AND OTHER ELECTRONIC MEANS WHERE POSSIBLE****Priority:** Substantive, Nonsignificant**Unfunded Mandates:** Undetermined**Legal Authority:** PL 98-369; 31 USC 3720**CFR Citation:** 8 CFR 103.7**Legal Deadline:** None

Abstract: The Immigration and Naturalization Service proposes to expand the acceptance of credit cards

and other electronic means to collect fees from the public. The Service currently accepts fees at seven locations in three of its 33 districts. The Service proposes to implement credit card acceptance at 16 of these districts by the end of FY 2002 with full implementation by the end of FY 2003. The intended benefit is two-fold: To provide the Service with a faster, more efficient collection and record keeping mechanism while affording the customer a convenient alternative payment method.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No 2181-01

Agency Contact: Francis Joseph Maguire, Management and Program Analyst, Department of Justice, Immigration and Naturalization Service, Room 6034, 425 I Street NW, Washington, DC 20536
Phone: 202 514-2700
Fax: 202 514-7860
Email: francis.j.maguire@usdoj.gov

RIN: 1115-AG48**1507. • ADDING AND REMOVING INSTITUTIONS TO AND FROM THE LIST OF RECOGNIZED AMERICAN INSTITUTIONS OF RESEARCH****Priority:** Substantive, Nonsignificant**Legal Authority:** 8 USC 1103; 8 USC 1181; 8 USC 1182; 8 USC 1443; 8 USC 1447**CFR Citation:** 8 CFR 316**Legal Deadline:** None

Abstract: This rule amends the Immigration and Naturalization Service regulations by adding the Rutgers, Indiana and Harvard Universities to the list of American institutions of research located in section 316 of the Immigration and Naturalization Act, recognized by the Attorney General for the purpose of preserving residence in the United States for naturalization eligibility. This rule also removes the recently dissolved Harvard Institute for International Development from the same list.

Timetable:

Action	Date	FR Cite
Final Rule	09/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2131-01

Agency Contact: Gerard Casale, Senior Adjudications Officer, Adjudications and Nationality, Department of Justice, Immigration and Naturalization Service, Room 3214, 425 I Street NW, Washington, DC 20536
Phone: 202 514-5014

RIN: 1115-AG52**1508. • MANIFEST REQUIREMENTS AND IMPOSITION OF FINES UNDER SECTION 231 OF THE ACT****Priority:** Other Significant**Legal Authority:** PL 107-77; PL 106-96; 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1221; 8 USC 1228; 8 USC 1229**CFR Citation:** 8 CFR 231**Legal Deadline:** Final, Statutory, October 1, 2002.

Public law 106-396, the Visa Waiver Permanent Program (VWPPA) sets a mandatory deadline of October 1, 2002.

Abstract: This interim rule amends the Immigration and Naturalization Service's (Service) regulations by requiring private and public carriers to provide arrival and departure manifests electronically in advance of individuals traveling by air or water to the United States (U.S). Aircraft or vessels arriving in the U.S. from or departing to Canada or arriving in the U.S. directly from the British Virgin Islands are required to send their manifests electronically. Also, section 231(d) of the Immigration and Nationality Act gives the Service the authority to fine those carriers who do not submit a properly completed electronic arrival or departure manifest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/02	
Interim Final Rule Comment Period End	10/00/02	

Regulatory Flexibility Analysis Required: Yes**Small Entities Affected:** Businesses

DOJ—INS

Final Rule Stage

Government Levels Affected: None

Additional Information: INS No. 2182-01

Agency Contact: Michael J. Flemmi, Assistant Chief Inspector, Inspections Division, Department of Justice, Immigration and Naturalization Service, Room 4064, 425 I Street NW, Washington, DC 20536
Phone: 202 305-9247

RIN: 1115-AG57

1509. • REQUIRING CHANGE OF STATUS FROM B TO F-1 OR M-1 NONIMMIGRANT PRIOR TO PURSUING A COURSE OF STUDY

Priority: Other Significant. Major under 5 USC 801.

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1184; 8 USC 1258; 8 CFR Part 2

CFR Citation: 8 CFR 214; 8 CFR 248

Legal Deadline: None

Abstract: The interim rule amends the Immigration and Naturalization Service (Service) regulation by eliminating the current provision allowing a nonimmigrant visitor for business or pleasure to enroll in a Service-approved school without first obtaining approval of a change of nonimmigrant status request from the Service. The amendment will ensure that no B nonimmigrant is allowed to begin taking classes until the Service has approved the alien's request to change nonimmigrant status to that of F or M student

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/12/02	67 FR 18062
Interim Final Rule Comment Period End	06/11/02	
Final Action	09/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Additional Information: INS No. 2195-02

Agency Contact: Craig S. Howie, Senior Adjudications Officer, Adjudications Division, Department of Justice, Immigration and Naturalization Service, Room 3040, 425 I Street NW, Washington, DC 20536
Phone: 202 616-7867
Fax: 202 514-0198
Email: craig.s.howie@usdoj.gov

RIN: 1115-AG60

1510. • REENGINEERING OF PART 214, NONIMMIGRANT CLASSES TO CLARIFY AND RESTATE ADMISSION REQUIREMENTS

Priority: Other Significant

Legal Authority: 8 USC 1101; 8 USC 1103; 8 USC 1182; 8 USC 1184; 8 USC 1186; ...

CFR Citation: 8 CFR 214; 8 CFR 252

Legal Deadline: None

Abstract: The purpose of this regulation is to reorganize, streamline and rewrite 8 CFR 214 and to move certain provisions into several newly

created parts of title 8 (parts 131, 132, 133, 134, 135, 136, and 137). This is an administrative action only, making no substantive changes to the requirements for nonimmigrant admission or status.

The current regulation has grown in size and complexity, especially during the past 15 years, as Congress has added at least 10 new nonimmigrant classes and expanded the requirements and restrictions on many of the existing classes. The regulatory outline for part 214 has become extremely complicated, making the placement and revision of new materials and even the identification of correct paragraph citations exceedingly difficult. The INS plans to break up the existing part 214 by adding additional parts, one for each nonimmigrant classification.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/00/02	
Interim Final Rule Comment Period End	02/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Efen Hernandez, Chief, Business and Trade Branch, Adjudications Division, Department of Justice, Immigration and Naturalization Service, 425 I Street NW, Washington, DC 20536
Phone: 202 353-8177

RIN: 1115-AG62

**Department of Justice (DOJ)
Immigration and Naturalization Service (INS)**

Long-Term Actions

1511. VISA WAIVER PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 8 CFR 217

Timetable:

Action	Date	FR Cite
NPRM-INS No. 1406-91 Comment Period End 5/22/91	05/07/91	56 FR 21101
Final Rule-INS No. 1406-91 Eff. 7/18/91*	07/18/91	56 FR 32952

Action	Date	FR Cite
Interim Final Rule-INS No. 1447 Eff. 10/1/91; Comment Period End 10/15/91	09/13/91	56 FR 46716
Interim Final Rule-1622-93; Eff. 7/29/93; Com. End 8/30/93; (To be merged with 1447R-93)*	07/29/93	58 FR 40581
Public Notice-INS No. 1674 Eff. 10/25/94, Comment Period End 09/30/96	02/21/95	60 FR 9699

Action	Date	FR Cite
Interim Final Rule-INS No. 1685 Eff. 4/1/95; Comment Period End 5/30/95	03/28/95	60 FR 15855
Interim Final Rule-INS No. 1777	07/08/96	61 FR 35598
Interim Final Rule-INS No. 1782-96 With Comments (Australia)	07/29/96	61 FR 39721
Interim Final Rule-INS 1786-96 With Comments (Slovenia)	09/30/97	62 FR 50998

DOJ—INS

Long-Term Actions

Action	Date	FR Cite	Action	Date	FR Cite	Action	Date	FR Cite
Final Rule-INS No. 1799	12/30/98	63 FR 71726	TPS Notice (INS No. 1780-97) TPS Designation of Sudan	11/04/97	62 FR 59737	TPS Notice (INS No. 2009-99) Extension of the TPS Registration Period for Hondurans and Nicaraguans	08/06/99	64 FR 42991
Interim Final Rule-INS 2002-99 With Comments (Portugal, Singapore, and Uruguay)	08/03/99	64 FR 42006	TPS Notice (INS No. 1910-98) Termination of Designation of Liberia	03/31/98	63 FR 15437	TPS Notice (INS No. 2006-99) Extension of TPS Designation of Bosnia-Herzegovina	08/11/99	64 FR 43720
Interim Final Rule-INS 2188-02 (Removing Argentina)	02/21/02	67 FR 7943	TPS Notice (INS No. 1929-98) TPS Designation of Province	06/09/98	63 FR 31527	TPS Notice (INS No. 2010-99) Extension of TPS Designation of Montserrat	09/02/99	64 FR 48190
Next Action Undetermined			TPS Notice (INS No. 1945-98) Extension of Designation of Somalia	09/28/98	63 FR 51602	TPS Notice (INS No. 2015-99) Extension of TPS Designation of Somalia	09/13/99	64 FR 49511
Regulatory Flexibility Analysis Required: No			TPS Notice (INS No. 1953-98) Redesignation of Liberia	09/29/98	63 FR 51958	TPS Notice (INS No. 2022-99) Extension and Redesignation of Burundi Under Temporary Protected Status	11/09/99	64 FR 61123
Government Levels Affected: Federal			TPS Notice (INS No. 1957-98) TPS Extension of Designation of Burundi	11/03/98	63 FR 59334	TPS Notice (INS No. 2024-99) Extension and Redesignation of Sierra Leone Under Temporary Protected S	11/09/99	64 FR 61125
Agency Contact: Marty Newingham Phone: 202 616-7992			TPS Notice (INS No. 1958-98) TPS Extension of Designation of Sierra Leone	11/03/98	63 FR 59336	TPS Notice (INS No. 2023-99) Extension and Redesignation of Sudan Under the Temporary Protected Stat	11/09/99	64 FR 61128
RIN: 1115-AB93			TPS Notice (INS No. 1959-98) Extension of Designation of Sudan	11/03/98	63 FR 59337	Final Action, Temporary Protected Status, Exception to Registration Deadlines	11/16/98	63 FR 63593
1512. REGULATIONS RELATING TO TEMPORARY PROTECTED STATUS			TPS Notice (INS No. 1964-98) TPS Designation of Honduras	01/05/99	64 FR 524	TPS Notice (INS No. 2043-00) Extension and Termination of Designation of Guinea-Bissau Under TPS	03/20/00	65 FR 15016
Priority: Other Significant			TPS Notice (INS No. 1965-98) TPS Designation of Nicaragua	01/05/99	64 FR 526	TPS Notice (INS No. 2044-00) Designation of Angola Under TPS	03/29/00	65 FR 16634
CFR Citation: 8 CFR 103; 8 CFR 244; 8 CFR 299			TPS Notice (INS No. 1960-98) TPS Designation of Guinea-Bissau	03/11/99	64 FR 12181	TPS Notice (INS No. 2065-00) Extension of Designation of Honduras	05/11/00	65 FR 30438
Timetable:			TPS Notice (INS No. 1986-99) TPS Extension and Redesignation of the Province of Kosovo	06/08/99	64 FR 30542	TPS Notice (INS No. 2064-00) Extension of Nicaragua Designation	05/11/00	65 FR 30440
Action	Date	FR Cite	TPS Notice (INS No. 1775-96) TPS Designation of Burundi	11/04/97	62 FR 59735	TPS Notice (INS No. 2066-00) Termination of the Kosovo...	05/23/00	65 FR 33356
TPS Final Rule (INS No. 1612) Removal of Obsolete Sections Covering TPS for Salvadorans	09/10/96	61 FR 47667	TPS Notice (INS No. 1953-99) Termination of TPS Designation of Liberia	07/30/99	64 FR 41463	TPS Notice (INS No. 2065R-00) Extension of Re-Registration for Hondurans	06/09/00	65 FR 36719
TPS Notice (INS No. 1832-97) Extension and Redesignation of Liberia	04/07/97	62 FR 16608						
TPS Notice (INS No. 1853-97) Extension and Termination of Rwanda Eff. 06/07/97	06/19/97	62 FR 33442						
TPS Notice (INS No. 1862-97) Extension of Bosnia-Herzegovina	08/01/97	62 FR 41420						
TPS Notice (INS No. 1863-97) Extension of Somalia	08/01/97	62 FR 41421						
TPS Notice (INS No. 1878-97) TPS Designation of Montserrat	08/28/97	62 FR 45685						

DOJ—INS

Long-Term Actions

Action	Date	FR Cite
TPS Notice (INS No. 2064R-00) Extension of Re-Registration for Nicaraguans	06/09/00	65 FR 36729
TPS Notice (INS No. 2079-00) Termination of Bosnia-Herzegovina	08/30/00	65 FR 52789
TPS Notice (INS No. 2087-00) Extension of Designation of Montserrat Under Temporary Protected Status	10/02/00	65 FR 58806
TPS Notice (INS No. 2096-00) Extension of Designation of Burundi	11/09/00	65 FR 67404
TPS Notice (INS No. 2095-00) Extension of Designation of Sierra Leone	11/09/00	65 FR 67405
TPS Notice (INS No. 2094-00) Extension of Designation of Sudan	11/09/00	65 FR 67407
Correction TPS Notice (INS No.2090-00) Extension of Designation of Somalia	12/08/00	65 FR 69789
TPS Notice (INS 2125-01) Designation of El Salvador	03/09/01	66 FR 14214
TPS Notice (INS 2114-01) Extension and Redesignation of Angola	04/05/01	66 FR 18111
TPS Notice (INS 2135-01) Extension of Designation of Honduras under TPS	05/08/01	66 FR 23269
TPS Notice (INS 2136-01) Extension of Designation of Nicaragua under TPS	05/08/01	66 FR 23271
TPS Notice (INS 2148-01) Automatic Ext. of Work Authorization for Hondurans & Nicaraguans Under TPS	07/03/01	66 FR 35270
TPS Notice (INS 2146-01) Extension of the Designation of Montserrat under TPS	08/03/01	66 FR 40834
TPS Notice (INS 2162-01) Extension of Designation of Burundi under TPS	08/31/01	66 FR 46027

Action	Date	FR Cite
TPS Notice (INS 2163-01) Extension of the Designation of Sierra Leone under TPS	08/31/01	66 FR 46029
TPS Notice (INS 2164-01) Extension of the Designation of Sudan under TPS	08/31/01	66 FR 46031
TPS Notice (INS 2151-01) Extension of Redesignation of Somalia under TPS	09/04/01	66 FR 46288
TPS Notice (INS 2114-01) Extension of the Designation of Angola under TPS	02/01/02	67 FR 4997
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Elizabeth N. Lee
Phone: 202 514-4754

RIN: 1115-AE26

1513. AUTHORIZING SUSPENSION OF EMPLOYMENT AUTHORIZATION REQUIREMENTS ON THE BASIS OF SEVERE ECONOMIC HARDSHIP FOR F-1 STUDENTS AND EMERGENT CIRCUMSTANCES

Priority: Other Significant

CFR Citation: 8 CFR 214

Timetable:

Action	Date	FR Cite
Interim Final Rule-INS No. 1914-98	06/10/98	63 FR 31871
Interim Final Rule Comment Period End	08/10/98	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Maura Dadrack
Phone: 202 353-8177

RIN: 1115-AF15

1514. AVAILABILITY OF MATERIAL UNDER FREEDOM OF INFORMATION ACT AND PRIVACY ACT

Priority: Substantive, Nonsignificant

CFR Citation: 8 CFR 103

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Mildred Carter
Phone: 202 514-1722

RIN: 1115-AF32

1515. INTERIM DESIGNATION OF ACCEPTABLE RECEIPTS FOR EMPLOYMENT ELIGIBILITY VERIFICATION

Priority: Other Significant

CFR Citation: 8 CFR 274a

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/09/99	64 FR 6187
Interim Final Rule Comment Period End	04/12/99	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Marguerite Przblyski Kleczek
Phone: 202 514-2895

RIN: 1115-AF42

1516. INADMISSIBILITY AND DEPORTABILITY ON PUBLIC CHARGE GROUNDS

Priority: Other Significant

CFR Citation: 8 CFR 212; 8 CFR 237

Timetable:

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28676
NPRM Comment Period End	07/26/99	
Next Action Undetermined		

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Kevin J. Cummings
Phone: 202 514-4754

RIN: 1115-AF45

1517. EXPANSION OF EXPEDITED REMOVAL OF CERTAIN CRIMINAL ALIENS HELD IN FEDERAL, STATE, AND LOCAL JAILS

Priority: Other Significant

CFR Citation: 8 CFR 212; 8 CFR 235

DOJ—INS

Long-Term Actions

Timetable:

Action	Date	FR Cite
ANPRM	09/22/99	64 FR 51338
ANPRM Comment Period End	11/22/99	

Next Action Undetermined

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** State,
Local, Federal**Agency Contact:** Robert Evans
Phone: 202 353-7218**RIN:** 1115-AF50**1518. EXTENDING THE PERIOD OF
DURATION OF STATUS FOR CERTAIN
F AND J NONIMMIGRANT ALIENS****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 214**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/15/99	64 FR 32146
Interim Final Rule Comment Period End	08/16/99	

Next Action Undetermined

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Irene Hoffman
Phone: 202 616-7435Efren Hernandez
Phone: 202 353-8177**RIN:** 1115-AF54**1519. AUTHORIZING COLLECTION OF
FEE LEVIED ON F, J, AND M
NONIMMIGRANT CLASSIFICATIONS
UNDER ILLEGAL IMMIGRATION
REFORM AND IMMIGRANT
RESPONSIBILITY ACT (IIRIRA)****Priority:** Other Significant**CFR Citation:** 8 CFR 103; 8 CFR 214;
8 CFR 299**Timetable:**

Action	Date	FR Cite
NPRM	12/21/99	64 FR 71323
NPRM Comment Period End	02/22/00	
Final Rule	07/00/03	

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Maura Dadrack
Phone: 202 353-8177**RIN:** 1115-AF56**1520. WAIVER OF FEES****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 103; 8 CFR 244**Timetable:** Next Action Undetermined**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Irene Hoffman
Phone: 202 616-7435**RIN:** 1115-AG02**1521. ADJUSTMENT OF STATUS FOR
CERTAIN NATIONALS OF
NICARAGUA, CUBA, AND HAITI****Priority:** Other Significant**CFR Citation:** 8 CFR 241; 8 CFR 245**Timetable:**

Action	Date	FR Cite
Interim Final Rule	05/31/01	66 FR 29449
Interim Final Rule Comment Period End	05/31/01	

Next Action Undetermined

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Kevin J. Cummings
Phone: 202 514-4754**RIN:** 1115-AG05**1522. INCREASING THE NUMBER OF
OFFICERS AUTHORIZED TO ISSUE
NOTICES TO APPEAR AND ARREST
WARRANTS FOR IMMIGRATION
VIOLATIONS****Priority:** Substantive, Nonsignificant**CFR Citation:** 8 CFR 239; 8 CFR 287**Timetable:**

Action	Date	FR Cite
Interim Final Rule	To Be	Determined

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Christina Hamilton
Phone: 202 514-2895**RIN:** 1115-AG22**Department of Justice (DOJ)
Immigration and Naturalization Service (INS)****Completed Actions****1523. ADJUSTMENT OF CERTAIN
FEES OF THE IMMIGRATION
EXAMINATIONS FEE ACCOUNT****Priority:** Other Significant**CFR Citation:** 8 CFR 103**Completed:**

Reason	Date	FR Cite
Final Action	12/21/01	66 FR 65811

**Regulatory Flexibility Analysis
Required:** No**Government Levels Affected:** None**Agency Contact:** Paul Schlesinger

Phone: 202 616-2754

RIN: 1115-AF61**1524. • INCREASING IMMIGRATION
USER FEE AT PORTS-OF-ENTRY****Priority:** Other Significant**Legal Authority:** 8 USC 1356; PL 107-
77, sec 109**CFR Citation:** 8 CFR 286**Legal Deadline:** None**Abstract:** This rule amends
Immigration User Fee regulations so
they comply with the 2002 Departmentof Justice Appropriations Act. This act
revises the fee structure of the
Immigration User Fee by increasing the
current \$6 fee to \$7. The \$7
immigration will be collected from
every passenger arriving at a port-of-
entry in the United States or for the
reinspection of a passenger at a place
outside the United States prior to such
arrival, aboard a commercial aircraft or
commercial vessel, except those
individuals exempted under section
286(e)(1) of the Immigration and
Nationality Act (Act) or under title 8,
part 286 of the Immigration and
Naturalization Act. This increase does

DOJ—INS

Completed Actions

not apply to immigration inspection at designated ports-of-entry for passengers arriving by the following vessels, when operating on a regular schedule: Great Lakes international ferries, or Great Lakes Vessels on the Great Lakes and connecting waterways.

Timetable:

Action	Date	FR Cite
Final Action	04/01/02	67 FR 15333
Final Action Effective	05/01/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**Additional Information:** INS No. 2179-01

Agency Contact: Georgia Mayers, Chief of Cash Management, Department of Justice, Immigration and Naturalization Service, Room 6034, 425 I Street NW, Washington, DC 20536

Phone: 202 305-1200
Email: georgia.a.mayers@usdoj.gov

Jennifer Beasley, Budget Analyst, Department of Justice, Immigration and Naturalization Service, Room 5236, 425 I Street NW, Washington, DC 20536
Phone: 202 514-8294
Email: jennifer.beasley@usdoj.gov

RIN: 1115-AG46

Department of Justice (DOJ)

Proposed Rule Stage

Legal Activities (LA)

1525. REVISION OF 28 CFR PART 15 PERTAINING TO THE DEFENSE OF CERTAIN SUITS AGAINST FEDERAL EMPLOYEES TO CONFORM TO THE FEDERAL EMPLOYEES LIABILITY REFORM AND TORT COMPENSATION ACT**Priority:** Substantive, Nonsignificant**Legal Authority:** 28 USC 2679(b)**CFR Citation:** 28 CFR 15**Legal Deadline:** None

Abstract: This rule revises 28 CFR part 15, pertaining to the defense of certain suits against Federal employees, to conform the regulations to changes made by the Federal Employee Liability Reform and Tort Compensation Act, Public Law 100-694. Under prior law, the defense of suits against Federal employees for torts committed in the scope of their employment was limited to claims involving the operation of motor vehicles. Public Law 100-694 expanded the coverage of the immunity provisions to include all common law torts committed by Federal employees in the scope of their employment. This rule conforms the Department's regulations to the expanded coverage of the statute.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal**Additional Information:** CIV 102

Agency Contact: James G. Touhey Jr., Trial Attorney, Torts Branch, Department of Justice, P.O. Box 888,

Benjamin Franklin Station, Washington, DC 20004

Phone: 202 616-4292

RIN: 1105-AA62**1526. DESIGNATION OF AGENCIES TO RECEIVE AND INVESTIGATE REPORTS REQUIRED UNDER THE PROTECTION OF CHILDREN FROM SEXUAL PREDATORS ACT****Priority:** Substantive, Nonsignificant**Legal Authority:** 42 USC 13032**CFR Citation:** 28 CFR 81**Legal Deadline:** NPRM, Statutory, April 28, 1999.

Abstract: On October 30, 1998, Congress passed the Protection of Children from Sexual Predators Act of 1998 (PCSPA). The PCSPA requires providers of an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, to report incidents of child pornography as defined by sections 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, to the appropriate Federal agency. In order to facilitate effective reporting, the PCSPA requires the Attorney General to "designate an agency" to receive and investigate such reports of child pornography. The proposed rule previously published set forth the Attorney General's proposed designations and certain other matters covered by the PCSPA's reporting requirements.

On November 29, 1999, as part of the Consolidated Appropriations Act, 2000, Public Law 106-113, 113 Stat. 1501, Congress amended 42 U.S.C. 13032 to require providers to report such

incidents to the Cyber Tipline at the National Center for Missing and Exploited Children, which shall forward that report to a law enforcement agency or agencies designated by the Attorney General. A second proposed rule is being prepared for publication that will reflect the change in the Agency to receive the reports.

Timetable:

Action	Date	FR Cite
NPRM	05/26/99	64 FR 28422
NPRM Comment Period End	07/26/99	
Second NPRM	08/00/02	
Second NPRM Comment Period End	10/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Andrew Oosterbaan, Chief, Child Exploitation and Obscenity Section, Department of Justice, 1400 New York Avenue, NW, Suite 600, Washington, DC 20530
Phone: 202 514-5780

RIN: 1105-AA65**1527. MOTOR VEHICLE SALVAGE REGULATIONS**

Priority: Substantive, Nonsignificant. Major status under 5 USC 801 is undetermined.

Unfunded Mandates: Undetermined**Legal Authority:** 49 USC 30504**CFR Citation:** Not Yet Determined**Legal Deadline:** None

Abstract: The Attorney General is required to issue regulations directing

DOJ—LA

Proposed Rule Stage

junk yard and salvage yard operators and insurance carriers to file monthly reports with the operator of the National Motor Vehicle Title Information System (NMVTIS) concerning vehicles in their possession. The reports are required by statute, 49 U.S.C. section 30504(a) and (b), to provide the vehicle identification numbers, the date on which the vehicle was obtained, and the name of the individual or entity from whom the vehicle was obtained. Salvage and junk yard operators are also required to provide a statement of whether the automobile was crushed or disposed of for sale or other purposes. Insurance carriers are also required to provide the name of the owner of the automobile at the time the report is filed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/02	
NPRM Comment Period End	11/00/02	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Businesses**Government Levels Affected:** None

Additional Information: On a related issue, the FBI expects to issue regulations implementing the National Stolen Passenger Motor Vehicle Information System (NSPMVIS). (See RIN 1110-AA01.)

Agency Contact: Deborah Sorokin, Trial Attorney, Department of Justice, Office of Enforcement Operations, Criminal Division, 1301 New York Avenue NW, Washington, DC 20530
Phone: 202 305-4023
Fax: 202 305-0562

RIN: 1105-AA71

1528. CLAIMS UNDER THE RADIATION EXPOSURE COMPENSATION ACT AMENDMENTS OF 2000: TECHNICAL AMENDMENTS; EXPANSION OF COVERAGE TO URANIUM MILL WORKERS AND ORE TRANSPORTERS

Priority: Other Significant

Legal Authority: 42 USC 2210 note, Radiation Exposure Compensation Act; PL 106-245, Radiation Exposure Compensation Act Amendments of 2000; PL 106-553, Consolidated Appropriations Act for Fiscal Year 2001

CFR Citation: 28 CFR 79

Legal Deadline: Final, Statutory, January 6, 2001.

Abstract: The Department is amending existing regulations to implement the Radiation Exposure Compensation Act Amendments of 2000, enacted on July 10, 2000. The Department is issuing two related rulemakings under this RIN to implement the Act. The first of the two related rulemakings is a final rule, technical in nature, providing conforming amendments (CIV 100). These technical revisions: (1) Expand the list of radiogenic and chronic diseases that are currently compensable for “downwinder” and “onsite participant” claimants; (2) lower the radiation exposure threshold for “uranium miner” claimants; (3) enlarge the number of uranium mining states where miners may be eligible for compensation; (4) include “aboveground” miners within the definition of “uranium miner”; (5) eliminate smoking distinctions for all claimants; (6) amend the list of geographical areas to provide additional radiation-affected areas for “downwinder” claimants; (7) modify the burden of proof for purposes of claims processing; (8) allow claimants who have previously been denied compensation to file up to three times; and (9) make other technical revisions consistent with the amended Act.

The second related rulemaking under this RIN is a proposed rule (CIV 101) expanding compensation to two new claimant categories: Uranium mill

workers and individuals involved in the transport of uranium ore or vanadium-uranium ore. These amendments: (1) Set forth eligibility criteria for the new claimant categories; (2) provide definitions explaining the types of mill-related and ore-transporting employment that would be compensable under the Act; (3) describe the documentation that would be required to establish proof of employment in a uranium mill or as an ore transporter; (4) determine the medical documentation necessary to establish the existence of renal cancer and chronic renal disease; and (5) provide clarification of the attorney fee provision contained in section 9 of the amended law.

On March 22, 1999, the Department published a final rule in the Federal Register, 64 FR 13686, amending its existing regulations to allow the use of pathology reports of tissue biopsies as evidence of disease; include “in situ” lung cancers under the definition of primary cancers of the lung; and to allow claimants whose claims had been denied prior to the implementation of the regulations to file another three times. Both rulemakings (CIV 100 and CIV 101) will make changes to Department regulations in addition to the changes that had been made by the 1999 final rule.

Timetable:**CIV 100 - Technical Amendments**

Final Action 06/00/02

CIV 101 - Expansion of Coverage

NPRM 06/00/02

NPRM Comment Period End 08/00/02

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Dianne S. Spellberg, Trial Attorney, Department of Justice, Room 3123, 1425 New York Avenue NW, Washington, DC 20005
Phone: 202 616-4129
Fax: 202 616-4313
Email: dianne.spellberg@usdoj.gov

RIN: 1105-AA75

Department of Justice (DOJ)
Legal Activities (LA)

Final Rule Stage

**1529. FOREIGN AGENTS
REGISTRATION ACT; REGULATIONS
REVISED AND CLARIFIED TO
REFLECT CHANGES IN THE LAW**

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 611 et seq
Foreign Agents Registration Act of 1938

CFR Citation: 28 CFR 5.5(d)(10); 28 CFR 5.203(a); 28 CFR 5.204(a); 28 CFR 5.205(a); 28 CFR 5.206(b); 28 CFR 5.304(c); 28 CFR 5.306(a); 28 CFR 5.5(d)(11); 28 CFR 5.100(c); 28 CFR 5.100(d); 28 CFR 5.200(b); 28 CFR 5.201(a)(1); 28 CFR 5.201(a)(2); 28 CFR 5.202(b); 28 CFR 5.202(e); ...

Legal Deadline: None

Abstract: As a result of the passage of the Lobbying Disclosure Act of 1995 (LDA) and the Lobbying Disclosure Technical Amendments Act of 1998 (LDTAA), the Foreign Agents Registration Unit of the Criminal Division is issuing new regulations concerning changes in the Foreign Agents Registration Act of 1938 (FARA), as amended, 22 U.S.C. 611, et seq. These regulations replace the term "political propaganda" in the existing regulations with "informational materials" as provided in the LDA and make other changes to the FARA regulations required by the passage of the LDA and the LDTAA. The regulations also make other modifications to the existing regulations to facilitate the administration of FARA.

Timetable:

Action	Date	FR Cite
NPRM	07/09/99	64 FR 37065
NPRM Comment Period End	09/07/99	
Final Action	05/00/02	
Final Action Effective	06/00/02	

Regulatory Flexibility Analysis

Required: Yes

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: CFR

CITATIONS CONT: 28 CFR 5.307; 28 CFR 5.400(a) to (c); 28 CFR 5.401; 28 CFR 5.402(a) to (g); 28 CFR 5.500(a)(4); 28 CFR 5.600; 28 CFR 5.601(a); 28 CFR 5.601(b).

Agency Contact: Marshall R. Williams, Chief, Registration Unit, Internal Security Section, Criminal Division, Department of Justice, Room 9300, 1400

New York Avenue NW, Washington, DC 20530

Phone: 202 514-1216

RIN: 1105-AA45

**1530. ETHICAL STANDARDS FOR
ATTORNEYS FOR THE GOVERNMENT**

Priority: Substantive, Nonsignificant

Legal Authority: 28 USC 530B

CFR Citation: 28 CFR 77

Legal Deadline: Final, Statutory, April 19, 1999.

Abstract: This rule supersedes the Department of Justice regulations relating to Communications with Represented Persons and implements 28 U.S.C. 530B pertaining to ethical standards for attorneys for the Government. Under that provision, an attorney for the Government shall be subject to State laws and rules, and local Federal court rules governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State. This rule fulfills the Attorney General's obligation under section 530B and provides guidance to all Department of Justice employees who are subject to section 530B regarding their obligations and responsibilities under this new provision.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/19/99	64 FR 19273
Interim Final Rule Comment Period End	06/21/99	
Final Action	05/00/02	

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Claudia J. Flynn, Director, Professional Responsibility Advisory Office, Department of Justice, Suite 500, National Theatre Building, 1325 Pennsylvania Avenue NW, Washington, DC 20530
Phone: 202 514-0458
Fax: 202 353-7491

RIN: 1105-AA67

**1531. ENHANCED NOTICE AND
RELEASE PROCEDURES FOR
OWNERS OF SEIZED PROPERTY
PURSUANT TO THE CAFRA OF 2000;
DISPOSITION OF SEIZED PROPERTY
TOO COSTLY TO MAINTAIN;
CONSOLIDATION OF DEPARTMENT
REGULATIONS**

Priority: Other Significant

Legal Authority: 5 USC 301; 8 USC 1103; 8 USC 1324(b); 15 USC 1177; 17 USC 509; 18 USC 981 to 983; 18 USC 1467; 18 USC 1955; 18 USC 1963; 18 USC 2253 to 2254; 18 USC 2513; 19 USC 1606 to 1608; 19 USC 1610; 19 USC 1612(b); 19 USC 1613; 19 USC 1618; 21 USC 822; 21 USC 853; 21 USC 871 to 872; 21 USC 880 to 881; 21 USC 958; 21 USC 965; 22 USC 401; 28 USC 509 to 510; 28 USC 524; PL 100-690, sec 6079

CFR Citation: 8 CFR 274; 21 CFR 1316; 28 CFR 8 (Revision); 28 CFR 9 (Revision)

Legal Deadline: Final, Statutory, August 23, 2000, CAFRA applies to all forfeiture actions commenced on or after 8/23/00.

Abstract: By this rule, the Department does five things.

First, the Department is implementing new forfeiture procedures required by the recently enacted Civil Asset Forfeiture Reform Act of 2000 (CAFRA). CAFRA's procedural changes enhance the ability of property owners to contest the forfeiture of seized property. CAFRA also makes other changes beneficial to property owners. In particular: 1) The requirement to file a bond for costs with a claim is eliminated; 2) the time for filing a claim is extended; and 3) the release of seized property is required under various circumstances. Congress made CAFRA's changes applicable to forfeiture proceedings commenced on or after August 23, 2000.

Second, the Department is adding a provision allowing the pre-forfeiture disposition of seized property when the expense of holding the property is disproportionate to its value. This provision is needed to implement the pre-existing authority of 19 U.S.C. section 1612(b)—one of the customs laws procedural statutes incorporated by reference in forfeiture statutes enforced by the Department. This provision will enable the Department to use the authority of section 1612(b) in appropriate cases to avoid

DOJ—LA

Final Rule Stage

disproportionately high storage and maintenance costs for seized property pending forfeiture.

Third, this rule consolidates previously existing forfeiture regulations of the INS, DEA, and the FBI in order to achieve greater consistency and promote overall fairness in the administrative forfeiture process by avoiding unnecessary differences in component procedures.

Fourth, the rule updates the forfeiture regulations by adding 18 U.S.C. section 981 seizure-for-forfeiture authority for INS in light of CAFRA's expansion of 18 U.S.C. section 981(a)(1)(C) forfeiture authority, which now includes proceeds of Immigration and Nationality Act offenses and visa and passport fraud offenses. The rule also adds seizure-for-forfeiture authority for FBI and INS in 18 U.S.C. section 1594 cases (forfeiture of property involved in peonage and slavery (P.L. 106-386; 114 Stat. 1464 (October 28, 2000))). In addition, to reflect reorganization of INS, the rule replaces references to INS Regional Directors with references to the INS Director, Asset Forfeiture Office.

Fifth, the rule modifies the regulations at 28 CFR part 9 governing petitions for remission or mitigation of forfeiture to refer only to DEA's "Forfeiture Counsel" as the pertinent official in DEA's forfeiture cases; to replace the reference to "INS Regional Directors" with "INS Director Asset Forfeiture Office or designee," as the pertinent official with authority to grant remission or mitigation in INS administrative forfeiture cases; to incorporate where applicable CAFRA's statutory criteria for innocent ownership; and to provide discretionary authority for the Ruling Officer to waive the payment of forfeiture-related costs and expenses as a condition of remission in cases in which the petitioner is a victim of the underlying offense.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/02	
Interim Final Rule	11/00/02	
Comment Period		
End		

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** None

Agency Contact: Joseph T. Donnelly, Acting Director, Department of Justice, Immigration and Naturalization Service, Office of Asset Forfeiture, Room 1040, CAB Building, 425 I Street NW, Washington, DC 20536
Phone: 202 305-8303

John Hieronymus, Forfeiture Counsel, Department of Justice, Drug Enforcement Administration, Office of Domestic Operations, Asset Forfeiture Section, Caller Number 91017, Arlington, VA 22202
Phone: 202 307-7636

Maury V. Taylor, Forfeiture Counsel, Department of Justice, Legal Forfeiture Unit, FBI, Office of the General Counsel, J. Edgar Hoover Building, 935 Pennsylvania Avenue NW, Washington, DC 20535
Phone: 202 324-9700

RIN: 1105-AA74**1532. ESTABLISHMENT OF MINIMUM SAFETY AND SECURITY STANDARDS FOR PRIVATE COMPANIES THAT TRANSPORT VIOLENT PRISONERS****Priority:** Other Significant**Legal Authority:** PL 106-560**CFR Citation:** 20 CFR 97**Legal Deadline:** Final, Statutory, June 19, 2001.

Abstract: This rule proposes to implement the Interstate Transportation of Dangerous Criminals Act of 2000, Public Law 106-560 (114 Stat. 2784)(enacted December 21, 2000). In that Act, Congress found that State and local jurisdictions are increasingly turning to private companies to transport their violent prisoners, and that escapes have occurred. Congress determined that minimum regulations for the private prisoner transport industry were necessary to provide protection against risks to the public that are inherent in the transportation of violent prisoners and to assure the safety of those being transported.

Accordingly, this rule proposes that private prisoner transport companies comply with minimum standards for background checks and preemployment drug testing for potential employees, provide minimum standards for the length and type of employee training, and establish restrictions on the number of hours that transportation employees can be on duty during a given time period.

This rule also proposes that private prisoner transport companies comply with minimum standards for the use of restraints while transporting violent prisoners, and establishes categories of violent offenders required to wear identifying clothing. Further, the rule proposes a minimum guard-to-offender ratio that must be observed while transporting violent prisoners, and proposes that private prisoner transport companies comply with standards regarding employee uniforms and employee identification.

In addition, the rule proposes to require private prisoner transport companies to notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction when transporting violent prisoners. In the event of an escape by a violent offender, the proposed rule requires the private prisoner transport company personnel immediately to notify appropriate law enforcement officials in the jurisdiction where the escape occurs, as well as the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

Finally, the rule proposes that private prisoner transport companies adopt certain minimum standards in order to protect the safety of violent prisoners in accordance with applicable Federal and State law.

Timetable:

Action	Date	FR Cite
NPRM	12/17/01	66 FR 64934
NPRM Comment	02/15/02	
Period End		
Final Action	05/00/02	

Regulatory Flexibility Analysis**Required:** Undetermined**Government Levels Affected:** None

Agency Contact: Lizette D. Benedi, Counsel, Department of Justice, Office of Legal Policy, 950 Pennsylvania Avenue, NW, Room 4529, Washington, DC 20530
Phone: 202 514-3824

RIN: 1105-AA77**1533. REGULATIONS UNDER THE DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000****Priority:** Other Significant**Legal Authority:** 28 USC 509; 28 USC 510; 42 USC 14132; 41 USC 14135a;

DOJ—LA

Final Rule Stage

42 USC 14135b; 10 USC 1565; PL 106-546

CFR Citation: 28 CFR 28

Legal Deadline: Other, Statutory, April 18, 2001, Determination of qualifying Federal offenses.

Final, Statutory, June 17, 2001, Commencement of collection of DNA samples.

Abstract: This rule implements section 3 of Public Law 106-546, the DNA Analysis Backlog Elimination Act of 2000 (the Act). The rule specifies the Federal offenses that will be treated as qualifying offenses for purposes of collecting DNA samples from Federal offenders, sets forth the responsibilities of the Bureau of Prisons for collecting DNA samples from individuals in its custody, and sets forth related responsibilities of the Federal Bureau of Investigation for analyzing and indexing DNA samples.

All 50 States authorize the collection and analysis of DNA samples from convicted State offenders and entry of resulting information into the Combined DNA Index System (CODIS), which the Federal Bureau of Investigation (FBI) has established pursuant to 42 U.S.C. 14132. Until recently, however, there was no statutory authorization to collect DNA samples from convicted Federal, military, and District of Columbia offenders. Congress acted to fill this gap in the DNA identification system through provisions of the Act.

Section 3 of the Act addresses the categories of Federal offenders from whom DNA samples will be collected, the responsibility of the Bureau of Prisons (BOP) and Federal probation offices to collect DNA samples from offenders in their custody or supervision, and the responsibility of the FBI to analyze and index DNA samples. This rule is issued pursuant to subsection (e) of section 3, which provides that, with the exception of the activities of the probation offices, the section shall be carried out under regulations prescribed by the Attorney General. The rule also addresses certain responsibilities of BOP and the FBI under other sections of the Act, which are closely related to the matters addressed in section 3.

The rule adds a new part 28 to title 28 of the Code of Federal Regulations relating to the DNA identification system. The new part contains subparts

A and B, which relate respectively to the Federal offenses for which DNA samples will be collected and the responsibilities of BOP and the FBI in collecting, analyzing, and indexing DNA samples.

Further, section 503 of the USA PATRIOT Act, Public Law 107-56, 115 Stat. 272, amended the DNA Analysis Backlog Elimination Act of 2000 to include terrorism crimes and crimes of violence generally as qualifying offenses for the purpose of collecting DNA samples from federal offenders. The Department will be publishing second interim rule to reflect this statutory expansion of DNA sample collection.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/28/01	66 FR 34363
Interim Final Rule Comment Period End	08/27/01	
Second Interim Rule	09/00/02	
Second Interim Rule Comment Period End	11/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, Office of Legal Policy, 950 Pennsylvania Avenue NW, Room 4503, Washington, DC 20530
Phone: 202 514-3273

RIN: 1105-AA78

1534. • SCREENING OF ALIENS AND OTHER DESIGNATED INDIVIDUALS SEEKING FLIGHT TRAINING

Priority: Other Significant

Legal Authority: PL 107-71, sec 113

CFR Citation: 28 CFR 105

Legal Deadline: None

Abstract: On November 19, 2001, Congress enacted the Aviation and Transportation Security Act (ATSA), Public Law 107-71. Upon enactment, section 113 of ATSA, 49 U.S.C. 44939, imposed notification and reporting requirements on certain persons who provide aviation training to aliens and other specified individuals. Under this section, certain aviation training providers subject to regulation by the Federal Aviation Administration (FAA) are prohibited from providing training

to aliens and other designated individuals in the operation of aircraft with a maximum certificated takeoff weight of 12,500 pounds or more, unless they provide prior notification to the Attorney General. This interim rule implements a process by which aviation training providers may provide the required notification and resume instruction for candidates who do not appear to pose a risk to aviation and national security.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/02	
Interim Final Rule Comment Period End	06/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Keith E. Halsey, Department of Justice, Federal Bureau of Investigation, Mailbox 27, Washington, DC 20535
Phone: 703 414-9535

RIN: 1105-AA80

1535. • GUIDELINES FOR THE CAMPUS SEX CRIMES PREVENTION ACT AMENDMENT TO THE JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION ACT

Priority: Info./Admin./Other

Legal Authority: 42 USC 14071

CFR Citation: None

Legal Deadline: None

Abstract: These guidelines implement an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act enacted by the Campus Sex Crimes Prevention Act (CSCPA). Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322, 108 Stat. 1796, 2038 (codified at 42 U.S.C. 14071) contains the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (the "Wetterling Act"). The Wetterling Act sets minimum national standards for State sex offender registration and community notification programs, and directs the Attorney General to issue guidelines for such programs. The current Wetterling Act guidelines were published on January 5, 1999, in the

DOJ—LA

Final Rule Stage

Federal Register (64 FR 572, with corrections at 64 FR 3590). States that fail to comply with the Wetterling Act's requirements (as implemented and explained in the Attorney General's guidelines) are subject to a mandatory 10 percent reduction of the formula grant funding available under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program (42 U.S.C. 3756), which is administered by the Bureau of Justice Assistance of the Department of Justice.

Subsequent to the publication of the current Wetterling Act guidelines, the Wetterling Act was amended by the Campus Sex Crimes Prevention Act (the CSCPA), Public Law 106-386, div. B, section 1601, 114 Stat. 1464, 1537 (2000). The CSCPA provides special requirements relating to registration

and community notification for sex offenders who are enrolled in or work at institutions of higher education. These supplementary guidelines are necessary to take account of the CSCPA amendment to the Wetterling Act. The deadline for state compliance with the CSCPA amendment is October 27, 2002.

The CSCPA provisions appear in subsection (j) of the Wetterling Act (42 U.S.C. 14071(j)). As provided in subsection (j), any person required to register under a State sex offender registration program must notify the State concerning each institution of higher education (i.e., post-secondary school) in the State at which the person is a student or works, and of each change in enrollment or employment

status of the person at such an institution.

Timetable:

Action	Date	FR Cite
Proposed Guidelines	03/08/02	67 FR 10758
Proposed Guidelines Comment Period End	05/07/02	
Final Guidelines	09/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Agency Contact: David J. Karp, Senior Counsel, Department of Justice, Office of Legal Policy, 950 Pennsylvania Avenue NW, Room 4503, Washington, DC 20530
Phone: 202 514-3273

RIN: 1105-AA81

Department of Justice (DOJ)

Long-Term Actions

Legal Activities (LA)

1536. WAIVER FOR FIREARM PROHIBITION ON NONIMMIGRANT VISA HOLDERS

Priority: Substantive, Nonsignificant

CFR Citation: 28 CFR 25

Timetable: Next Action Undetermined

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Frank A.S. Campbell
Phone: 202 514-2283

RIN: 1105-AA66

Department of Justice (DOJ)

Completed Actions

Legal Activities (LA)

1537. • SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: Title IV of PL 107-42; 49 USC 40101, note

CFR Citation: 28 CFR 104

Legal Deadline: Other, Statutory, December 21, 2001, Interim final regulations.

Abstract: Shortly after the September 11, 2001, terrorist attacks, the President signed the "September 11th Victim Compensation Fund of 2001" (the Fund) into law as title IV of Public Law 107-42 ("Air Transportation Safety and System Stabilization Act") (the Act). The Act authorizes compensation to any individual (or the personal representative of a deceased individual) who was physically injured or killed as a result of the terrorist-related aircraft crashes on that day.

On November 5, 2001, the Department published at 66 FR 55901 a Notice of Inquiry and Advance Notice of Rulemaking to obtain as much public comment as feasible before issuing the regulations required by the Act. The Act provides that the Fund will be administered by a Special Master appointed by the Attorney General. On November 26, 2001, the Attorney General appointed Kenneth R. Feinberg as Special Master.

The Department, in consultation with the Special Master, issued certain procedural rules so the Special Master could commence operations of the program as soon as practicable. In order to allow the Special Master to begin distributing funds, the Department issued these rules as an Interim Final Rule on December 21, 2001 at 66 FR 66274. As part of the Interim Rule, the Department and the Special Master solicited public comments.

The Department received, reviewed, and considered over 10,000 comments submitted by victims, victims' families, public officials, and the general public since November 2001. On March 13, 2002, the Department, in consultation with the Special Master, issued a Final Rule making refinements and clarifications to the compensation program in response to comments received.

Timetable:

Action	Date	FR Cite
ANPRM	11/05/01	66 FR 55901
ANPRM Comment Period End	11/26/01	
Interim Final Rule	12/21/01	66 FR 66274
Interim Final Rule Effective	12/21/01	
Interim Final Rule Comment Period End	01/22/02	
Final Action	03/13/02	67 FR 11233
Final Action Effective	03/13/02	

DOJ—LA

Completed Actions

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal, State, Local

Agency Contact: Paul Clinton Harris Sr., Deputy Assistant Attorney General, Civil Division, Department of Justice, Main Building, Room 3129, 950 Pennsylvania Avenue NW, Washington, DC 20530

Phone: 202 514-5421
 Fax: 202 514-8071
 Email: paulharri@usdoj.gov
RIN: 1105-AA79

**Department of Justice (DOJ)
 Office of Justice Programs (OJP)**

Proposed Rule Stage

1538. CORRECTIONAL FACILITIES ON TRIBAL LANDS GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 13701 et seq

CFR Citation: 28 CFR 91

Legal Deadline: None

Abstract: The Office of Justice Programs is issuing this second Notice of Proposed Rulemaking to amend the title and the definitions of “Indian tribe” and “construction” within 28 CFR part 91, subpart C (which outlines the requirements and procedures to award grants to Indian tribes for constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction). Congress has mandated a new definition of “Indian tribe,” and with this broader definition federal funds through the Office of Justice Programs are now available to a larger universe of tribal entities. The amendment to the definition of “construction” is simply to expand and clarify the existing definition, to assist applicants and grantees in better understanding the allowable scope a project may take.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/24/96	61 FR 49969
Correction	10/18/96	61 FR 54333
Interim Final Rule	10/24/96	
Comment Period		
End		
Second NPRM	06/00/02	
Second NPRM	08/00/02	
Comment Period		
End		

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Tribal

Agency Contact: Philip Merkle, Special Advisor to the Director, Department of Justice, Office of Justice Programs, Correction Program Office,

810 7th Street NW, Washington, DC 20531

Phone: 202 305-2550

RIN: 1121-AA41

1539. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM

Priority: Economically Significant.

Major under 5 USC 801.

Legal Authority: 42 USC 3711 et seq

CFR Citation: 28 CFR 32

Legal Deadline: None

Abstract: The Bureau of Justice Assistance will be proposing a major, substantive revision of the existing regulations (28 CFR part 32) that govern the Public Safety Officers' Benefits (PSOB) Program, to streamline all aspects of the program and relieve claimants of administrative burdens no longer deemed necessary. Further, the program will need to change as BJA moves into a paperless, electronic, Web-based application/review/payment program. The proposed revised regulations will affect all components of the program: death benefits, disability benefits, education benefits, and the related administrative components governing hearing officers and independent medical examinations. As the result of the 9/11/01 terrorist attacks, the PSOB program is expected to make awards totaling more than \$100 million this year.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment	09/00/02	
Period End		

Regulatory Flexibility Analysis

Required: No

Government Levels Affected: None

Agency Contact: Harri J. Kramer, Deputy Director, Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 810 7th Street, NW, Washington, DC 20531

Phone: 202 616-6500

RIN: 1121-AA56

1540. GOVERNMENTWIDE DEBARMENT AND SUSPENSION (NONPROCUREMENT) AND GOVERNMENTWIDE REQUIREMENTS FOR DRUG-FREE WORKPLACE (GRANTS)

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-355, sec 2455; EO 12549

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Department of Justice will be adopting the proposed common rule on debarment and suspension, as promulgated by another agency, as a cost-saving and efficiency matter. The rule, as adopted, would limit the mandatory lower-tier application of an exclusion to the first procurement level under a nonprocurement covered transaction. Second, this proposed common rule on debarment and suspension would set the dollar threshold on prohibited lower-tier procurement transactions with excluded persons at \$25,000. Third, both this proposed rule on debarment and suspension, and the proposed rule on drug-free workplace requirements, would eliminate the mandate for agencies and participants to obtain written certifications from awardees or persons with whom they propose to enter into covered transactions. Fourth, the proposed rule on drug-free workplace requirements would be separated from this proposed rule on debarment and suspension.

Timetable:

Action	Date	FR Cite
NPRM	06/00/02	
NPRM Comment	08/00/02	
Period End		
Interim Final Rule	To Be	Determined

Regulatory Flexibility Analysis

Required: No

DOJ—OJP

Proposed Rule Stage

Government Levels Affected: None

Agency Contact: Linda Fallowfield, Attorney-Advisor, Department of Justice, Office of Justice Programs, Office of the General Counsel, 810 7th Street NW, Washington, DC 20531
Phone: 202 305-2534

RIN: 1121-AA57

1541. CRIMINAL INTELLIGENCE SYSTEMS OPERATING POLICIES

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 3711

CFR Citation: 28 CFR 23

Legal Deadline: None

Abstract: The purpose of this regulation is to assure that all criminal intelligence systems operating through support under the Omnibus Crime Control and Safe Streets Act of 1968 are used as authorized by law. This revision of 28 CFR part 23 updates the regulation for modern technological advances, extends the use of criminal intelligence systems for public safety purposes, and is drafted in plainer language.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment Period End	09/00/02	
Final Rule	01/00/03	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Alan M. Fisher, Attorney Advisor, Department of Justice, Office of Justice Programs, Office of the General Counsel, 810 Seventh Street NW, Room 5341, Washington, DC 20531
Phone: 202 616-3540
Fax: 202 307-1419
Email: fisheral@ojp.usdoj.gov

RIN: 1121-AA59

1542. • VICTIMS OF CRIME ACT (VOCA) PROGRAM REGULATIONS FOR THE VICTIM COMPENSATION GRANT PROGRAM; AND VICTIM ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 10604, sec 1407(a), Victims of Crime Act

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: Victims of Crime Act (VOCA) funds are obtained from the Crime Victims Fund in the U.S. Treasury, which consists of fines, fees, and bond forfeitures from Federal offenders.

The program regulations for the Victim Compensation Grant Program provide the parameters under which State agencies may use these funds to reimburse crime victims directly for expenses related to crime. Expenses that must be covered are lost wages, medical and mental health costs, and funeral and burial costs. States, at their discretion, may cover loss of support, crime scene cleanup, and other such expenses.

The Victim Assistance Program Regulations provide the parameters under which State agencies may use these funds to award grants to government and nonprofit organizations to provide direct services to crime victims. Local programs include child abuse, homicide survivor, drunk driving, sexual assault, and domestic violence. More than 3 million crime victims are served through these grants.

Costs to States are limited, as the VOCA grant provides for administrative costs for these programs.

Timetable:

OJP-1350 VOCA: Program Regulations for Victim Compensation Grant Program
NPRM 12/00/02
NPRM Comment Period End 02/00/03

OJP-1405 VOCA Victim Assistance Program Regulations
NPRM 09/00/02
NPRM Comment Period End 11/00/02

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State

Agency Contact: Carol Watkins, Director, Department of Justice, Office of Justice Programs, State Compensation and Assistance Division,

810 7th Street NW, Washington, DC 20531

Phone: 202 514-6383

RIN: 1121-AA61

1543. • VIOLENCE AGAINST WOMEN GRANT PROGRAMS

Priority: Economically Significant. Major under 5 USC 801.

Legal Authority: PL 106-386, Violence Against Women Act of 2000

CFR Citation: 28 CFR 90

Legal Deadline: None

Abstract: This proposed rule updates the existing regulations for the STOP (Services, Training, Officers, Prosecutors) Violence Against Women Formula Grant Program, the STOP Violence Against Indian Women Discretionary Grant Program, the Grants to Encourage Arrest Policies Program, and the Grants to Combat Violent Crimes Against Women on Campuses Program, to incorporate statutory changes pursuant to the Violence Against Women Act of 2000. The purpose of the original Violence Against Women Act of 1994 was to improve the criminal justice system's response to domestic violence, sexual assault, and stalking, and to increase the availability of services to victims of these crimes. VAWA 2000 reauthorized existing grant programs created under VAWA 1994, established new grant programs, and strengthened various provisions of Federal law. These grant programs are expected to award a total of over \$100 million per year.

Timetable:

Action	Date	FR Cite
NPRM	07/00/02	
NPRM Comment Period End	09/00/02	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Marnie Shiels, Attorney-Advisor, Department of Justice, Office of Justice Programs, Violence Against Women Office, 810 7th Street NW, Washington, DC 20531
Phone: 202 305-2981

RIN: 1121-AA64

Department of Justice (DOJ)
Office of Justice Programs (OJP)

Final Rule Stage

1544. BULLETPROOF VEST PARTNERSHIP GRANT ACTS OF 1998 AND 2000

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 3796ll

CFR Citation: 28 CFR 33

Legal Deadline: NPRM, Statutory, September 14, 1998.

Abstract: The Bureau of Justice Assistance is publishing final regulations implementing the Bulletproof Vest Partnership Grant Acts of 1998 and 2000, which authorize BJA funds to eligible States, units of local government, and Indian tribes to purchase armored vests for use by law enforcement officers. This final rule reflects the revised process by which eligible jurisdictions may register, apply, and request funding under BJA's Internet-Based Bulletproof Vest Partnership Grant Program.

On September 23, 1998, BJA published an interim final rule, with a request for comments (63 FR 50759). The interim final rule established the process by which BJA would implement the Bulletproof Vest Partnership Grant Act of 1998. BJA did not receive any comments in response to the interim final rule. Nevertheless, BJA initiated numerous outreach efforts, in the form of focus groups and beta testing, to ensure that all affected parties had ample opportunity to review and

participate in the program's design and development.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/23/98	63 FR 50759
Interim Final Rule Effective	09/23/98	
Interim Final Rule Comment Period End	11/23/98	
Final Rule	08/00/02	

Regulatory Flexibility Analysis Required: Yes

Small Entities Affected: Businesses

Government Levels Affected: State, Local, Tribal

Agency Contact: Robert T. Watkins, Program Manager, Department of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20053
 Phone: 202 514-3447

RIN: 1121-AA48

1545. ENVIRONMENTAL IMPACT REVIEW PROCEDURES FOR THE VOI/TIS GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 13701 et seq. as amended by PL 104-134; 42 USC 4321 et seq; 40 CFR 1500 to 1508

CFR Citation: 28 CFR 91

Legal Deadline: None

Abstract: The Office of Justice Programs is issuing this final rule to set forth the procedures that it and the States that are awarded Federal funds under the Violent Offender Incarceration/Truth-in-Sentencing Grants Program must follow in order to comply with the environmental impact review procedures mandated by the National Environmental Policy Act, the Council on Environmental Quality's implementing regulations, and other related Federal environmental impact review requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/08/00	65 FR 48592
Interim Final Rule Effective	08/08/00	
Interim Final Rule Comment Period End	10/10/00	
Final Rule	07/00/02	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Philip Merkle, Special Advisor to the Director, Department of Justice, Office of Justice Programs, Correction Program Office, 810 7th Street NW, Washington, DC 20531
 Phone: 202 305-2550

RIN: 1121-AA52

Department of Justice (DOJ)
Office of Justice Programs (OJP)

Long-Term Actions

1546. • INTERNATIONAL TERRORISM VICTIM COMPENSATION PROGRAM

Priority: Other Significant

Legal Authority: 42 USC 10603c, sec 1404c; PL 104-208, (Victims of Trafficking and Violence Protection Act of 2000)

CFR Citation: None

Legal Deadline: None

Abstract: The Office of Justice Programs (OJP) will develop these regulations to implement the International Terrorism Victim

Compensation Program provisions contained in the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. 104-208), which directs OJP to carry out a program to compensate victims of acts of international terrorism that occur outside the United States, for expenses associated with that victimization.

Timetable:

Action	Date	FR Cite
Proposed Rule	To Be Determined	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Barbara Johnson, Program Manager, Department of Justice, Office of Justice Programs, Terrorism and International Victims Unit, Office for Victims of Crime, 810 7th Street NW, Washington, DC 20531
 Phone: 202 307-5983

RIN: 1121-AA63

Department of Justice (DOJ)
Office of Justice Programs (OJP)

Completed Actions**1547. EMERGENCY FEDERAL LAW
ENFORCEMENT ASSISTANCE****Priority:** Substantive, Nonsignificant**CFR Citation:** 28 CFR 32**Completed:**

Reason	Date	FR Cite
Final Rule	02/19/02	67 FR 7269
Final Action Effective	02/19/02	

Regulatory Flexibility Analysis**Required:** No**Government Levels Affected:** State**Agency Contact:** Linda Fallowfield

Phone: 202 305-2534

RIN: 1121-AA60

[FR Doc. 02-8713 Filed 05-10-02; 8:45 am]

BILLING CODE 4410-BP-S